The Empire of the Cities

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The Empire of the Cities

Emperor Charles V, the *Comunero* Revolt, and the Transformation of the Spanish System

By
Aurelio Espinosa

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FOREWORD

I have been interested in the history of Castilian representative institutions for many years. Inspired by Helen Nader's work on Castilian farming towns, I became aware of the vitality and continuity of *ayuntamientos* throughout the Spanish empire. I pursued the study of the bureaucracy and parliament at a critical period in Spanish history, the *comunero* revolt (1520–1521). The premise of this book is that the Castilian municipalities of the revolution transformed the Spanish system into a meritocracy, advancing their democratic platform to establish and maintain an accountable administration of justice.

Acknowledgements

I would not have been able to write this book without the support of my wife, Alison, who continues to make many sacrifices. I dedicate this book to her.

I am grateful to the anonymous readers and editors at Brill Academic Publishers, especially Rob Desjardins and Rhonda Kronyk who offered many corrections and facilitated the revision process. Andrew Gow, Editor-in-Chief, made conceptual suggestions that helped me to shape the book's theoretical framework. I am reminded of Charles' acknowledgement of gratitude and dependence: "en las espaldas del presidente y de los del nuestro consejo." I too am indebted to many scholars in our discipline and I want to express my deepest gratitude to Alan E. Bernstein, Heiko A. Oberman, and Donald Weinstein.

In using the archives and libraries of institutions I have benefitted from the advice of archivists and from the dedication of knowledgeable staff. Most of my research was done in Simancas, where Isabel Aguirre Landa and *los servidores* were very gracious and resourceful. Juan José Larios de la Rosa, the archivist of the Archivo Ducal Medinaceli, opened the doors of the Archivo Hosptial Tavera. Larios' historical *habilidad* allowed me to navigate the uncharted depository. Hilario Casado Alonso, César Olivera Serrano and Jack B. Owens have given me wise *consejo* and encouragement, demonstrating their *buenas letras*. Jana Hutchins of the Arizona State University Institute

for Social Sciences and Research, GIS Services, prepared the maps, utilizing ESRI ArcGIS software. A travel grant from the Program for Cultural Cooperation between Spain's Ministry of Education, Culture and Sports and United States Universities enabled me to carry out further research in Spain.

A note on the text

For ease of reading, in all transcriptions capitalization and punctuation have been normalized to modern forms. I have expanded abbreviations and contractions silently, and I have distinguished the orthographic letters *v* and *b*. In accordance with modern usage, I have added accent marks, punctuation marks, and capitals. Unless otherwise indicated, English translations of sixteenth-century Spanish and Latin sources are my own.

Aurelio Espinosa
Arizona State University
27 March 2008

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INTRODUCTION

The Black Legend Revisited[1]

Most historical autopsies of the Spanish empire have tended to focus their attention on the ways in which the imperial project began to falter in the sixteenth century. A typical claim, that Castilians sacrificed all their gains for religious unity, is based on the tired stereotype that Spaniards were 'hard-wired' for decline—that their dogmatic and inflexible disposition compromised the imperial agenda.[2] The standard narrative begins in the reign of Isabel of Castile (r. 1474–1504) and Fernando of Aragon (r. 1479–1516), the Catholic Monarchs who established a national inquisition and centralized government in order to purify the religious landscape of Spain. "Unity and purity of the faith," as

[1] The Black Legend contains a range of myths about Spain as a "dreadful engine of tyranny" (Henry Kamen, *The Spanish Inquisition: A Historical* Revision [New Haven: Yale University Press, 1998; 1997], 305; citing John Foxe, *The Book of Martyrs* [London, 1863], 153). Similarly, the Spanish implemented "a system of severe repression of thought by all the instrumentalities of Inquisition and state" (Henry Charles Lea, *A History of the Inquisition of Spain*, 4 vols. [New York: Macmillan, 1906–1907], 4: 528). For analysis of the myths based on inquisitorial evidence, see Kamen, *The Spanish Inquisition*, 305–320. Julián Juderías coined the term 'Black Legend' in order to frame confessional historiography (*La leyenda negra: estudios acerca del concepto de España en el extranjero* [Madrid: Editorial Nacional, 1974; 1914]): "en una palabra, entendemos por leyenda negra de la España inquisitorial, ignorante, fanática, incapaz de figurar entre los pueblos cultos lo mismo ahora que antes, dispuesta siempre a las represiones violentas; enemiga del progreso y de las innovaciones; o, en otros términos, la leyenda que habiendo empezado a difundirse en el siglo XVI, a raíz de la Reforma, no ha dejado de utilizarse en contra nuestra desde entonces, y más especialmente en momentos críticos de nuestra vida nacional" (30). For treatment of the Protestant origins of the Black Legend, see J.N. Hillgarth, *The Mirror of Spain, 1500–1700: The Formation of a Myth*, History, Languages, and Cultures of the Spanish and Portuguese Worlds (Ann Arbor: The University of Michigan Press, 2000), chapter eight, "The Low Countries: The Origins of the Black Legend"; William S. Maltby, *The Black Legend in England: The Development of Anti-Spanish Sentiment, 1550–1660* (Durham: Duke University Press, 1971); Charles Gibson, *The Black Legend: Anti-Spanish Attitudes in the Old World and the New* (New York: Knopf, 1971).

[2] For treatment of Spanish orthodoxy and the historical problem of antagonism and boundaries between confessions, see Marcelino Menéndez Pelayo, *Historia de los heterodoxos españoles*, 2 vols. (Madrid: BAC, 1978; 1880–1882). The issue of myths (e.g., religious unity and "one, eternal Spain") is discussed in J.N. Hillgarth, "Spanish Historiography and Iberian Reality," *History and Theory* 24 (1985): 23–43.

Roger Bigelow Merriman wrote, "were the cornerstone of [Isabel of Castile's policy], and in her eyes, the first essentials to the unity of the state."[3] Isabel's successors, the Habsburgs, likewise took up the sword Castilians gave them, and together with their Spanish subjects they embarked on crusades—killing non-conforming Christians and initiating the Counter Reformation, which intensified into a variety of full-blown xenophobic policies, from Philip II's efforts to destroy Dutch freedoms to Philip III's decision to expel the Moriscos in 1609.[4] When Castilians arrived in the New World, the narrative continues, they gave in to a perennial obsession with conquest that would eventually undermine their global reach, but would leave behind an unshakable legacy of corruption throughout Latin America.[5] Such studies in the causes of decline often tacitly assume that consistent and ingrained Castilian mentalities underwrote aggressive policies that included the *reconquista*, the persecution of minorities, and the virtual enslavement of the American Indians.[6] Too busy seeking religious unity through inquisitorial mechanisms and bloody conquest, the Castilians were, meanwhile, unable to compete with the more industrious merchants and free-thinking souls of the United Provinces and England.[7] The

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[3] Roger Bigelow Merriman, *The Rise of the Spanish Empire in the Old World and in the New*, 4 vols. (New York: Cooper Square Publishers, 1962: 1918), 1: 86, 91.

[4] On xenophobia, see William Monter, *The Frontiers of Heresy: The Spanish Inquisition from the Basque Lands to Sicily* (New York: Cambridge University Press, 1990), 43.

[5] For the Black Legend and the conquest, see Gibson, *The Black Legend: Anti-Spanish Attitudes in the Old World and the New*; Sverker Arnoldsson, *La conquista española de América según el juicio de la posteridad: vestigios de la leyenda negra* (Madrid: Insula, 1960). For the thesis that the *conquistadores* and the medieval warriors were pugnacious brothers in crime, see James F. Powers, *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages, 1000–1284* (Berkeley: University of California Press, 1988), 201–213. For the claim of the prevalence of Spanish crusading culture in New Spain, see Thomas F. Madden, *The New Concise History of the Crusades* (New York: Rowman & Littlefield Publishers, 2006), 224–225. For stereotypes of the Spanish as "brutal," "great Indian killers," and as "pork-hungry Iberians" who were inferior farmers because "close attention to farming was simply not a Castilian virtue," see Alfred W. Crosby Jr., *The Columbian Exchange: Biological and Cultural Consequences of 1492* (Westport: Praeger Publishers, 2003; 1972), 36–38, 70, 78 passim.

[6] For repetition of claims, see Wim Blockmans, "Die Untertanen des Kaisers," in *Karl V. 1500–1558 und seine Zeit*, ed. Hugo Soly (Cologne: DuMont Literatur und Kunst Verlag, 2003; 2000), 227–283, especially 239.

[7] For an analysis of the Spanish character and work ethic, see Bartolomé Bennassar, *The Spanish Character: Attitudes and Mentalities from the Sixteenth to the Nineteenth Century*, trans. Benjamin Keen (Berkeley: University of California Press, 1979), 15–18. For a critical assessment of Spanish stereotypes, see Ruth MacKay, *Lazy, Improvident People: Myth and Reality in the Writing of Spanish History* (Ithaca: Cornell University Press, 2006), introduction.

unproductiveness of Spain's commercial system was compounded by the failure to achieve agricultural and industrial revolutions similar to those experienced by more progressive societies in northern Europe.[8] Spain remained medieval because the Inquisition, the church, the Habsburg monarchy, and the aristocracy imposed their backward values upon society, promoting disdain for manual labor.[9]

Such narratives of imperial Spain 'in decline' amount to a kind of morality play driven by the characters of greed, xenophobia, and corruption. These character flaws, decline theorists write, nurtured the blooming of inquisitorial practices and permitted the continuation of a powerless parliament; they also sustained a pugnacious drive of conquest at the expense of commerce and entrepreneurialism.[10] Belligerent motivations, institutional decadence, and religious intolerance directed Spain toward imperial decline. This moral argument informs numerous historical works, most notably political and institutional histories of an 'absolutist' nation state.[11] The thesis of administrative decadence pervades much of the canonical literature on the Spanish Habsburgs, who are said to have inherited a Castilian tradition of institutional sleaze. "Corruption itself," wrote Sir John Elliott, "was only one further aspect of the enormous problem that confronted sixteenth-century Spain: the problem of constructing a modern state-system on economic and social foundations that were proving increasingly obsolete."[12] Scholars have

[8] These developments are interpreted as anachronistic by David R. Ringrose, *Spain, Europe, and the "Spanish miracle," 1700–1900* (New York: Cambridge University Press, 1996), 14–19.

[9] For compilation of Spanish stereotypes, see Ramón Menéndez Pidal, *The Spaniards in their History*, trans. Walter Starkie (New York: W.W. Norton, 1966; 1950). "A Spaniard will always," Menéndez writes, "sacrifice his desire for wealth or comfort to idealistic motives of pride and glory no matter how vain they may be" (21) and "over his head lingers the butterfly of dreams and the scorpion of laziness" (23).

[10] For specific details of Spanish decline as an embedded function of Castilian political oppression and Castilianization as the abolition of individual laws and liberties, see John H. Elliott, *The Revolt of the Catalans: A Study in the Decline of Spain, 1598–1640* (Cambridge: Cambridge University Press, 1963), 6–21, especially 15.

[11] For absolutism as a historical force propelling the formation of nation states, in particular the ways that "Spanish priority gave the Habsburg monarch a system-setting role for western absolutism," see Perry Anderson, *Lineages of the Absolutist State* (London: NLB, 1974), 60–84, especially 61. For the role of absolute power as a kind of Castilian prerogative, see Elliott, *The Revolt of the Catalans*, 5. For a revised definition of absolutism grounded in sixteenth-century Castilian discourse, see I.A.A. Thompson, "Absolutism in Castile," in *Crown and Cortes: Government, Institutions and Representation in Early-Modern Castile* (Aldershot: Variorum Reprints, 1993; 1990), 69–98.

[12] John H. Elliott, *Imperial Spain, 1469–1716* (Harmondsworth: Penguin Books Ltd, 1975; 1963), 181. The spread of corruption was a Castilian landmark. This historical

advanced arguments about the failure of the Spanish bureaucracy, a degeneration caused by the Castilian predilection to corruption. Since William Prescott, who wrote on the Catholic Monarchs and the subsequent decline of the Spanish empire, the thesis of Spanish decadence has linked Spanish political history to the Roman imperial model first used by Polybius, who highlighted Roman expansionism during the Punic wars.[13] The Romans, say decline theorists, gave Spaniards the elements of an imperial education, an education that the Spanish "gloried in . . . accepting it as [their] high destiny with characteristic fatalism," but which they were morally unfit to sustain.[14]

According to the historiography of decline, the Holy Roman Emperor, Charles V (r. 1519–1556), exploited these character flaws for the benefit of his dynasty.[15] By subduing the Castilian parliament, the Cortes, into submission, especially after the *comunero* civil wars (1520–1521),

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assumption also contains the thesis that the Spanish Inquisition was a corrupt system pandemic in all Spanish colonies. See Solange Alberro, *Inquisición y sociedad en México, 1571–1700* (Mexico: Fondo de Cultura Económica, 1988), 258–260. For argument that inquisitors shut down commerce and industry in the name of religion" see Juan Antonio Llorente, *Historia crítica de la inquisición en España*, 4 vols. (Madrid: Ediciones Hiperión, 1980; 1822), 1:5–6. For an analysis of Spanish society as resistant to inquisitorial mechanisms, especially bishops and tolerant theologians, see Stefania Pastore, *Il vangelo e la spada: l'inquisizione di Castiglia e i suoi critici (1460–1598)*, Temi e testi, 46 (Rome: Edizioni di storia e letteratura, 2003).

[13] On Prescott's 'Romantic' interpretation of imperial Spain, see Richard Kagan, "Prescott's Paradigm: American Historical Scholarship and the Decline of Spain," *American Historical Review* 101/2 (1996): 423–446. Some of the developments of this romantic ideal can be seen in Hugh Trevor-Roper, *Princes and Artists: Patronage and Ideology at Four Habsburg Courts, 1517–1633* (New York: Harper & Row, 1976).

[14] Merriman, *The Rise of the Spanish Empire in the Old World and in the New*, 1:10 and 3:134.

[15] In 1517 the Cortes acclaimed Prince Charles as Charles I, so he was King Charles I from 1517 to 1556. In this text, I will refer to Charles V, Holy Roman Emperor from 1519 to 1556. In this vein of argument, the major cause of disintegration pertains to the Habsburg dynasty. For an analysis of the military policies and politics of Charles' dynastic agenda "to recreate the powerful [Burgundian] state that had dismembered in 1477," see M.J. Rodríguez-Salgado, "Charles V and the Dynasty," in *Charles V, 1500–1558*, ed. Hugo Soly (Antwerp: Mercatorfonds, 1999), 27–111, 30. In like manner, Geoffrey Parker argues that matrimonial imperialism (i.e., the systematic use of endogamy) proved counterproductive to the survival of Charles' dynastic empire ("The Political World of Charles V," in *Charles V, 1500–1558*, 113–225, 225). Parker augments his thesis of matrimonial imperialism to the reign of Philip II, noting how Philip had no real chance at preserving the empire, for "even success in the Netherlands and against England could not have altered his unpromising genetic legacy" (*The Grand Strategy of Philip II* [New Haven: Yale University Press, 1998]), 293.

Charles aborted a late medieval tradition of local democracy.[16] The royalist victory against the *comuneros* resulted in the establishment of an absolutist monarchy and a powerful aristocracy that derailed the slow advance of the middle class, compromising commerce and industry for centuries.[17] Spanish imperialism, driven by an aristocratic ethic and a religious passion, dovetailed with the agenda of the Habsburg dynasty.[18] This blend occurred in the 1520s when Charles came to rule Spain and to begin his imperial career. The confessional basis of the Habsburg dynasty consisted in the rites of Counter Reformation Catholicism, which were, according to Po-Chia Hsia, devotion to the Eucharist, faith in the crucifix, Marian piety, and the veneration of saints.[19] The Inquisition defended these rituals of legitimation, and by means of tribunals the Habsburg system used religion to discipline society. With Counter Reformation institutions mandating these devotions and punishing non-conformists, the Spanish Habsburgs oppressed their own subjects, creating an atmosphere of fear—particularly after 1559, when Spanish evangelicals were burnt alive.[20] In their path of violence and

[16] In his 'revisionist' account of Spanish political culture and its colonial project, Alejandro Cañeque defines the state as an exercise of "historical imagination." Yet, he seems to hold on to the old 'state' argument that the Habsburg monarchy was strong enough to undercut a vibrant tradition of local democracy. He writes that "the traditional narrative maintains that, at first, the Spanish-American *cabildos*, heirs to the powerful city councils of late medieval Castile, had been truly representative of the towns, as they were elected democratically by the white citizenry in annual elections. But this 'democratic complexion' of the Castilian municipality that had been transplanted in the New World came to an end with the crushing revolt of the Castilian towns by Charles V in 1521" (*The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico* [New York: Routledge, 2004], 66–67).

[17] Wim Blockmans, *Emperor Charles V: 1500–1558*, trans. Isola van den Hoven-Vardon (London: Arnold, 2002), 181–183. For an analysis of the perishable model of world monarchy, exemplified by Charles and Spain, and the Dutch formula of the accumulation of capital, see Immauel Wallerstein, "Charles V and the Nascent Capitalist World-Economy," in *Charles V, 1500–1558*, 365–391, 381.

[18] For the argument that the alliance between elites and the monarchy resulted in "control oligárquico sobre sociedades que se vieron forzadas a pagar las cuentas," see John H. Elliott, "Monarquía compuesta y Monarquía Universal en la época de Carlos V," trans. Marta Balcells, in *Carlos V: europeísmo y universalidad, congreso internacional, Granada, mayo de 2000*, ed. Juan Luis Castellano Castellano and Francisco Sánchez-Montes González, 5 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001), 5:699–710, 710.

[19] *Social Discipline in the Reformation: Central Europe 1550–1750* (New York: Routledge, 1989), 53–54.

[20] For the thesis that 1559 "marks the turning point in Spain," see Kamen, *The Spanish Inquisition*, 95. Kamen cites Charles' letter to his daughter Juana (AGS, Patronato Real, leg. 28, fol. 37). For an analysis of the effects of inquisitorial activity, in particular

orthodoxy, Spanish clerical and social elites overextended the resources of the nation, which inevitably collapsed, specifically in the seventeenth century, as the Spanish monarchy was eclipsed by France and England.[21] Unlike France and England, Spain did not have a Renaissance, a Reformation, or an industrious bourgeoisie to challenge the nobility that provided those popular values antagonistic to the work ethic and pluralism.[22] These early modern religious and political changes—here the 'decline' narrative concludes—transformed medieval Spain into an ever more feudal society resistant to positive change.[23]

The storyline of decline is also about the failure of the Habsburgs to live up to the achievement of religious and political unity established by Fernando of Aragon and Isabel of Castile, the last medieval monarchs of Trastámara Spain.[24] Taking as its point of departure the conquest of Granada (1492) by the Catholic Monarchs, the theorists of decline assume that the Catholic Monarchs constructed a modern state and that they implemented a policy of religious and political unification. The

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religious intolerance and 'vehement' xenophobia, see Clive Griffin, *Journeymen-Printers, Heresy, and the Inquisition in Sixteenth-Century Spain* (Oxford: Oxford University Press, 2005), 260, 88–90. For a recent overview of the literature on the Spanish evangelicals and Pauline Christians, see Stefania Pastore, *Un'eresia spagnola: spiritualità conversa, alumbradismo e inquisizione, 1449–1559* (Florence: Leo S. Olschiki, 2004). For description of evangelical exiles describing the horrors of Spanish tribunals, see A. Gordon Kinder, *Spanish Protestants and Reformers in the Sixteenth Century: A Bibliography*, Research bibliographies & checklists, 39 (London: Grant & Cutler, 1983).

[21] For a revision and orientation on the decline thesis, see Kagan, "Prescott's Paradigm," 423–446.

[22] V. Kemplerer, "Gibt es eine spanische Renaissance?" *Logos: Internationale Zeitschrift für Philosophie der Kultur* 16 (1927): 129–161. In this line of inquiry, even the 'humanists' were simply followers of Erasmus. See Marcel Bataillon, *Erasmo y España" estudios sobre la historia espiritual del siglo XVI*, trans. Antonio Alatorre (Mexico: Fondo de Cultura Económica, 1995; 1937). For an analysis of the debate about the Renaissance in Spain during the reign of Charles, see José Martínez Millán, "Corrientes espirituales y facciones políticas en el servicio del emperador Carlos V," in *The World of Emperor Charles V, Proceedings of the Colloquium, Amsterdam, 4–6 October 2000*, ed. Wim Blockmans and Nicolette Mout (Amsterdam: Royal Netherlands Academy of Arts and Sciences, 2004), 97–126.

[23] For a critique and analysis of the thesis of the refeudalization of early modern Spain, see Ignacio Atienza Hernández, "Refeudalización en Castilla durante el siglo XVII: ¿un tópico?" *AHDE* 56 (1986): 889–920. For an analysis of Spanish feudal society, see Salvador de Moxó, *Feudalismo, señorío y nobleza en la Castilla medieval* (Madrid: RAH, 2000); Antonio Domínguez Ortiz, *Las clases privilegiadas en el antiguo régimen* (Madrid: ISTMO, 1985; 1973).

[24] For the thesis that, according to the chronicles and political discourse of the sixteenth and seventh centuries, the decline began with the Habsburgs, see Henry Kamen, "The Decline of Spain: A Historical Myth?" *Past and Present* 81 (1978): 24–50, especially 27–29.

Habsburgs were responsible for dovetailing imperialism and religious universalism, forging a hybrid ideology that compromised the Spanish global system invented by Fernando and Isabel. The Habsburgs were not only incapable of sustaining their inheritance; they cut short the durability of the Spanish empire because of a commitment to the enforcement of the (wrong) faith.

The decline thesis continues to underwrite the criteria that historians have used to describe monarchical administrations as 'decadent' and Castile as "a mismanaged kingdom top-heavy with military expenditures" due to its implementation of religious unity policies throughout Europe.[25] A key element of 'decline' is the stereotype of Spanish religious extremism. Dynastic claims were important features of the 'religious' struggles between Protestant 'states' and 'Catholic' Habsburg Spain. Consider Charles' imperial and religious duties. His main duty was defensive: "poner paz en la cristiandad para emplear nuestras fuerzas contra los enemigos de nuestra santa fe católica."[26] Charles had a threefold defense strategy that required military exercises: to remedy religious divisions in the German empire, to counter Ottoman expansionism, and to defend his patrimony against the "guerras que el rey de Francia nos ha movido injustamente."[27] These claims justified his imperial campaign of 1529, compelling him to leave Spain after having resided there for seven continuous years (see Table 1 for Charles' itinerary). In the case of Charles' attempt to establish his universal monarchy, especially after 1529, Castilians became embroiled in Charles' dynastic wars. By 1529 Castilian ministers were quick to point out that Charles should instead focus on the conservation of Castilian possessions, which entailed two foreign policies: (1) to counter Islamic expansionism in North African and (2) to defend Spanish possessions threatened by the French.[28] Embracing this defensive tone, Spanish leaders reiterated the need for the conservation of Castilian jurisdictions in North Africa and

[25] For an interpretation of the *arbitristas* and their diagnosis of decline (*declinación*), see John H. Elliott, *The Count-Duke Olivares: The Statesman in an Age of Decline* (New Haven: Yale University Press, 1986), 85–94. For "top-heavy," see Kagan, "Prescott's Paradigm," 445.

[26] AGS, Patronato Real, leg. 26, fol. 13, Charles to his subjects and vassals in Castile, Toledo, 8 March 1529.

[27] AGS, Patronato Real, leg. 26, fol. 13, Charles to his subjects and vassals in Castile, Toledo, 8 March 1529.

[28] For analysis of Castilian realpolitik, see José María Jover, *Carlos V y los españoles* (Madrid: Ediciones Rialp, 1987), 203–205.

the Spanish peninsula. Charles did not heed the domestic advice coming from the Castilian administration under Juan Tavera, president of the Council of Castile (r. 1524–1539), and Empress Isabel of Portugal (1504–1539).[29] In contrast to Castilian domestic agenda formulated by President Tavera, Charles' 'grand strategy' consisted in his attempt to consolidate his inheritances, which resulted in dispersing defensive strategies rather than focusing on the western Mediterranean.[30] The overextension of Castilian resources for the defense of Habsburg jurisdictions in the German empire is the most compelling argument that the Spanish empire declined—but an expansionism that was less an expression of Castilian religious fervor and more the dynastic agenda of the Habsburg house.[31]

The theme of orthodoxy is a strong current in the primary sources, chronicles and correspondence. Chroniclers portrayed Charles and Philip as kings devoted to the 'catholic' religion, seeking to evangelize the world, extending out to a New World that was in the process of being colonized and converted.[32] This type of propaganda, however, has set the tone for historical inquiry. Lost in these generalities are the

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[29] For treatment of Tavera's domestic and nationalist concerns, see Federico Chabod, "Milán o los Países Bajos? las discusiones en España acerca de la 'alternativa' de 1544," (1958), in *Carlos V y su imperio*, trans. Rodrigo Ruza (Madrid: Fondo de Cultura Económica, 1992; 1985), 211–252.

[30] For analysis of Charles' implementation of universal policy and President Tavera's policy of non-intervention in the German empire, see Aurelio Espinosa, "The Grand Strategy of Charles V (1500–1558): Castile, War, and Dynastic Priority in the Mediterranean," *The Journal of Early Modern History* 9 (2005): 239–283.

[31] On overextension, see Parker, *The Grand Strategy of Philip II*, introduction.

[32] For Charles' chroniclers and their articulation of the defense of the faith, see Richard L. Kagan, "Carlos V a través de sus cronistas: el momento comunero," in *En torno a las comunidades de Castilla: actas del congreso internacional, 'poder, conflicto y revuelta en la España de Carlos I' (Toledo, 16 al 20 octubre de 2000)*, ed. Fernándo Martínez Gil (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2002), 147–158; Richard Kagan, "Los cronistas del emperador," in *Carolus V Imperator*, ed. Pedro Navascués Palacio and Fernando Chueca Goitia (Barcelona: Lunwerg Editores, 1999), 183–212; Baltasar Cuart Moner, "La historiografía áulica en la primera mitad del s. XVI: los cronistas del emperador," in *Antonio de Nebrija: Edad Media y Renacimiento*, ed. Carmen Codoñer and Juan Antonio González Iglesias, Acta Salmanticensia, Estudios Filológicos, 257 (Salamanca: Ediciones Universidad Salamanca, 1997; 1994), 39–58. For a recent overview of Charles' imperial career as "defensor ecclesiae," see Alfred Kohler, *Carlos V, 1500–1558: una biografía*, trans. Cristina García Ohlrich (Madrid: Marcial Pons, 2000; 1999), 93–98, 93; Kohler, *Quellen zur Geschichte Karls V* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990), 1–26. For Philip II and his imperial inheritance, see Sylvène Édouard, *L'empire imaginaire de Philippe II: pouvoir des images et discourse du pouvoir sous les Habsbourg d'Espagne au XVI^e siècle*, Bibliothèque d'histoire moderne et contemporaine, 17 (Paris: Honoré Champion, 2005).

principal concerns in Charles' correspondence, which are the details stressing defensive obligations and judicial supervision: "the administration and implementation of justice, the operation of good government, and the defense of the kingdoms and lordships."[33]

The Post-Franco Paradigm

Since Spain became a modern democracy in 1975, new approaches to Spanish historiography have eclipsed older teleological models. Recent revisionist scholarship has begun a paradigm shift by rejecting the biases implicit in accounts of the decline of Spain.[34] Carla Rahn Phillips has addressed the matter of decline, framing the seventeenth-century as a period of general decline and proposing a Malthusian model to explain economic and demographic changes throughout the Iberian Peninsula.[35] Phillips' thesis of a domestic pattern of collapse and revival is still, however, tied to the decline model. Her set of questions is framed within this dialectic of rise and fall. Most of these revisionist works do not provide a sustained critique of the paradigm of decline and do not advance new models of interpretation that are immune to dialectical thinking. In her magisterial work on the Habsburg sale of towns, Helen Nader, for example, does not challenge the prevailing orthodoxy of Spanish systemic collapse, and her analysis of democratic institutions and local activism operates within the decline model.[36]

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[33] AGS, Patronato Real, leg. 26, fol. 114, Charles to his Spanish towns, subjects, and vassals, Augsburg, 23 June 1551, Power of Attorney for Philip to rule in his absence.

[34] For the Spanish Habsburg political system as procedural and based on mechanisms of compromise, see Jack B. Owens, *"By My Absolute Royal Authority": Justice and the Castilian Commonwealth at the Beginnings of the First Global Age*, Changing Perspectives on Early Modern Europe, 3 (Rochester: University of Rochester Press, 2005). For the dynamic of municipal development, see Helen Nader, *Liberty in Absolutist Spain: The Habsburg Sale of Towns, 1516–1700* (Baltimore: The Johns Hopkins University Press, 1990). For female agency, see Elizabeth A. Lehfeldt, *Religious Women in Golden Age Spain: The Permeable Cloister* (Burlington: Ashgate Publishing Company, 2005). For the thesis of matriarchy, see Helen Nader, "Introduction: The World of the Mendozas," *Power and Gender in Renaissance Spain: Eight Women of the Mendoza Family, 1450–1650*, ed. Helen Nader (Chicago: University of Illinois Press, 2004), 1–26, 3–4.

[35] Carla Rahn Phillips, "Time and Duration: A Model for the Economy of Early Modern Spain," *The American Historical Review* 92/3 (June, 1987): 531–562.

[36] "At the beginning of the Habsburg rule in 1516," Nader writes, "Spain had been the paragon of empires, the model of how to acquire world power through royal marriage and inheritance. By 1700 Spain had become an object lesson of the costs of world power" (186).

The decline thesis is a loaded term that affords a retrospective vision, which projects modern state capacities into pre-modern systems of political power.[37] The discourse of universalism was a prevalent idea in the sixteenth century, but this medieval concept does not correspond to advanced forms of modern governments, especially their hegemonic capacities that were constructed and used by the sovereign state system.[38] Although the Spanish system was imperial, its ability to exercise imperialism was limited, just as lordship consisted in many dynastic and constitutional restrictions.[39] My intention here, then, is to be more direct and explicit, highlighting a 'decline' pattern of reductionist formulations in much of the older scholarship while recognizing a major shift in new scholarship engaged in reassessing Spanish history. I contribute to this rethinking of Spanish political and constitutional history by undertaking intensive archival research in sources about Spanish domestic operations and by considering the role of parliament and the cities and towns in forging their global system.

The most important archival discovery I have made—one which belies older, more 'orthodox' claims concerning the 'character flaws' that caused the decline of Spain—is that the people of sixteenth-century Spain successfully resisted the absolutist claims of the foreign king, Charles, even though the cities and towns lost the *comunero* wars. The royalist victory over the *comuneros* was short-term, and it did not constitute the destruction of a nascent middle class and the rise of an absolutist and confessional nation state.[40] The lasting legacy of the

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[37] Here I am aware of the argument about the late-sixteenth century transformation of 'religion' as a state mechanism. For argument, see William T. Cavanaugh, "'A Fire Strong Enough to Consume the House': The Wars of Religion and the Rise of the State," *Modern Theology* 11:4 (October 1995): 397–420, 413–414.

[38] For theoretical assessment of the 'decline' of imperial systems and the development of sovereign states, see Hendrik Spruyt, *The Sovereign State and its Competitors: An Analysis of Systems Change*, Princeton Studies in International History and Politics (Princeton: Princeton University Press, 1994), especially chapter 8, "The Victory of the Sovereign State," and 177–180.

[39] For clarification of medieval and Habsburg-Spanish universalism, see Franz Bosbach, *Monarchia Universalis: ein politischer Leitbegriff der frühen Neuzeit*, Schriftenreihe der Historischen Kommission bei der Bayerischen Akademie der Wissenschaften, 32 (Göttingen: Vandenhoeck & Ruprecht, 1988), 64–86. For Charles' imperial activities and ideas, see Wim Blockmans and Nicolette Mout, eds., *The World of Emperor Charles V, Proceedings of the Colloquium, Amsterdam, 4–6 October 2000*.

[40] For argument on social and class conflict in early modern Spain and the rise of absolutism, see Pablo Sánchez León, *Absolutismo y comunidad: los orígenes sociales de la guerra de los comuneros de Castilla* (Madrid: Siglo Veintiuno Editores, 1998), 193–197. For Spanish confessionalization, see Wolfgang Reinhard, "Introducción: Las élites del

comunero revolt was that the cities and towns established the constitutional prerogative of municipalities and institutionalized communal expectations of monarchy as the executive engine of reform. The municipalities of parliament reconstructed a governmental system on the basis of their civic values and democratic traditions.[41] After the *comunero* revolt, Castilians forged a constitutional commonwealth, an empire of autonomous cities and towns, and the post-*comunero* parliament provided a reform platform for a commonwealth of self-ruling republics.[42] These constitutional mandates, especially those articulated in 1523, transformed the appellate courts. Following the executive and judicial plans formulated by parliament, Charles forged a new monarchical government that facilitated internal prosperity and dynastic consolidation, and his Castilian administration became the example of bureaucratic excellence that subsequent administrations used to assess themselves. For generations the reign of Charles became a symbol for adherence to civic republicanism and a cherished myth held by the subsequent

poder, los funcionarios del estado, las clases gobernantes y el crecimiento del poder del estado," in *Las elites del poder y la construcción del Estado*, ed. Wolfgang Reinhard (Mexico: Fondo de Cultura Económica, 1997; 1996), 1–35, 35. For confessionalization as a result of religious conflicts in the later sixteenth century, see Heinz Schilling, "Karl V und die Religion: Das Ringen um Reinheit und Einheit des Christentums," in Soly, *Karl V. 1500–1558 und seine Zeit*, 285–363, 296; Heinz Schilling, *Religion, Political Culture and the Emergence of Early Modern Society*, Studies in Medieval and Reformation Thought, 50 (Leiden: Brill Academic Publishers, 1992).

[41] I.A.A. Thompson, "Crown and Cortes in Castile, 1590–1665," *Crown and Cortes* (1993; 1982), 29–45. Thompson disputes the 'debility' thesis posited by many Hispanists, adding that "the Cortes had a far more active role in the political life of Castile from the later sixteenth century than it had had before" (31). Thompson notes that the Cortes enjoyed "many advantages of self-determination in matters of taxation as well as profits of administration." For revision of the role of the Cortes, see also Pablo Fernández Albaladejo, *Fragmentos de monarquía* (Madrid: Alianza Editorial, 1992), 284–294.

[42] I call these entities republics instead of oligarchies because I rely on the cities' own understanding of themselves as republics. For a self-reflective analysis of 'republican' government written during the *comunero* civil wars, see Alonso de Castrillo, *Tractado de república con otras hystorias y antiguëdades* (Madrid: Instituto de Estudios Políticos, 1958; 1521). I also analyze *Tractado de republica* in chapter one, under the heading, "comunero revolt." For the royal and parliamentary formulation of republicanism as the "republica destos nuestros reynos e de los súbditos y naturales dellos," see AGS, Patronato Real, leg. 69, fol. 64, "pragmática para que se guarden las leyes hechas en estas Cortes en Madrid (1528)." For a similar concept of the self-regarding nature of municipalities as republics by the *comuneros*, see AGS, Estado, leg. 8, fol. 170, the *junta* of Tordesillas to Charles, Tordesillas, 11 Nov. 1521. For analysis, see Bartolomé Clavero, *Tantas personas como estados: por una antropología de la sociedad europea* (Madrid: Tecnos, 1988).

Habsburgs of the 'good old times' during the reign of Charles V and before the Dutch Revolt (1568–1648).[43]

The constitutional regime established in the 1520s was in fact the beginning of an enormous change in the application of absolute royal power. After 1523, the municipal republics changed parliamentary procedure such that the king had to use his absolute power to break Castilian law for the benefit of the constitutional enfranchisement. According to medieval precedent, the king convoked parliament in order to discuss taxation and royal finances; but after the *comunero* civil wars the king accepted an amendment of his absolute power which effectively changed the agenda of parliament. Threatening to withhold taxes and subsidies, municipal representatives forced Charles to grant that their grievances, together with amendments to the law (through the ratification of petitions) and domestic and external policy decisions, would be dealt with *prior* to the discussion of the king's financial exigencies and revenues. Castilians also implemented decisions about the kind of government their municipal councils had articulated.[44] The constitutional programs detailing bureaucratic accountability became lasting management procedures for subsequent Habsburg administrations.[45]

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[43] For the myth of the golden age of Charles' reign, see Alfred Kohler, *Carlos V: 1500–1558*, 394. For an argument of how the government that Phillip II crafted was less consultative and more centralized and confessional, see Owens, *Authority*, 182–187. For an analysis of the negative repercussions of the passing of the Castilian administration crafted by Charles after the *comunero* civil wars, see Ignasi Fernández Terricabra, *Philippe II et la Contre-Réforme: l'église espagnole á l'heure du concile de Trente* (Paris: Publisud, 2001).

[44] For analysis of the functions of the Cortes, see Juan Manuel Carretero Zamora, *Cortes, monarquía, ciudades: las cortes de Castilla a comienzos de la época moderna, 1476–1515* (Madrid: Siglo Veintiuno Editores, 1988), 46–60.

[45] For the claim of a resourceful and competent bureaucracy, see Carla Rahn Phillips, *Six Galleons for the King of Spain: Imperial Defense in Early Seventeenth Century* (Baltimore: The Johns Hopkins University Press, 1986), 219–222. For the active role of the Cortes during the reign of Philip II, see José Ignacio Fortea Pérez, "Las cortes de Castilla en el reinado de Felipe II," in *Felipe II y el Mediterráneo, congreso internacional Felipe II y el Mediterráneo, Barcelona, 23 a 26 de noviembre de 1998*, ed. Ernest Berenguer Cebrià, 4 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 1999), 1:81–120, 109, 113. Some important work on the Cortes has also revealed a fiscally engaged parliamentary system. See Charles Jago, "Habsburg Absolutism and the Cortes of Castile," *The American Historical Review* 86 (1981): 307–326; I.A.A. Thompson, "Crown and Cortes in Castile, 1590–1665," *Parliaments, Estates, and Representation* 2 (1982), 29–45; José Martínez Cardos, "Las Indias y las cortes de Castilla durante los siglos XVI y XVII," *Revista de Indias* 16 (1956): 207–265.

I have also discovered something about the *comunero* revolt that I had not previously encountered in the literature.[46] Certainly, as many have argued, the *comunero* revolt was precisely about the nationalist rejection of a foreign regime; but few if any scholars evaluated the institutional changes which were made after the revolt.[47] I examined the evidence of the reconstruction of the bureaucracy, which was a major part of the demands for constitutional enfranchisement. The cities and towns formulated the institutional plans of government accountability, after they had already alerted Charles that he had failed to live up to his promise to reform government and his regime on the basis of constitutional policies of good government. The fulfillment of governmental duties was necessary to win popular support, and the major duties consisted of taxes with consent and royal appointments based on standards (and not patronage, which was the normal operation of Renaissance principalities).[48] A political consequence of the *comunero* revolt was the reconstruction of an empire of cities and towns based on constitutional policies, management programs, and bureaucratic procedures. These political structures survived until the Bourbon innovations of centralization, which imposed new provincial jurisdictions over municipalities, transformed the Spanish kingdoms of autonomous cities and towns, and curtailed local authority.[49]

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[46] For one of the most recent overviews of the historiography of the *comunero* revolt, see Máximo Diago Hernando, "Transformaciones en la instituciones de gobierno local de las ciudades castellanas durante la revuelta comunera (1520–1521)," *Hispania* 63/214 (2003): 623–655; Martínez Gil, *En torno a las comunidades de Castilla*. For assessment of the revolt, see Owens, *Authority*, 79–113; Owens, *Rebelión*, chapter 2, "la rebelión comunera en Murcia."

[47] Charles Hendricks analyzes the active role of the Cortes regarding taxation (*Charles V and the Cortes of Castile: Politics in Renaissance Spain* [Ph.D. diss., Cornell University, 1976]).

[48] For an analysis of the nature of Renaissance Spanish public offices, their functions, qualifications, and standards, see José María García Marín, *Teoría política y gobierno en la monarquía hispánica*, Colección Estudios Políticos (Madrid: Centro de Estudios Políticos y Constitucionales, 1998), 45–98. For the development of public offices, see Dámaso de Lario Ramírez, *Sobre los orígenes del burócrata moderno: el Colegio de San Clemente de Bolonia durante la impermeabilización habsburguesa (1568–1659)* (Bolonia: Publicaciones del Real Colegio de España, 1980).

[49] Fernández Albaladejo, *Fragmentos*, 353–361; Nader, *Liberty*, 9–16, 10. "When the French Bourbons inherited the thrones of Spain in 1700," writes Nader, "they found the power and independence of Spanish municipalities intolerable. There were no intermediaries between municipal councils and the royal council, no royal constraints on municipal autonomy."

I read the unpublished parliamentary minutes of the sessions of 1523 and understood how the city and town representatives negotiated with the king and his ministers the full scale of regal responsibilities that Charles had failed to implement but that he had to address if he wanted his revenues to begin to flow after he had lost his Castilian revenue base. In 1523 the cities forced Charles to protect their municipal constitutions and to implement new laws, which he did execute because the cities held a tight grip on their purses. Charles had to cooperate with the cities and towns and gratify aristocrats and citizens of royal municipalities. Charles must have felt the urgency and pressure, especially from his lenders who were used to Castilian collateral. Revenues from the Castilian municipalities were much higher than Charles' 'domain' incomes from Naples and the Low Countries, and thus he had to agree with the Castilian cities and towns.[50] The contract between Charles and the Cortes entailed the implementation of bureaucratic reforms because these institutional mechanisms collected and audited such parliamentary-based funds.[51] The goal was the establishment of an expansive meritocracy accountable to the management standards and procedures formulated by parliament and administered by the reformed executive. This bureaucracy was not coercive, but it was consultative, providing the human resources and funds necessary for appellate judgeships.[52]

The Argument and its Place in Current Scholarship

My argument is that the cities of Castile, warring and then negotiating with their new Habsburg monarch in the early 1520s, managed to construct a global commonwealth consisting of a constitutional monarchy, an accountable bureaucracy, and a judicial and executive meritocracy. The cities established parliamentary laws for their empire of autonomous municipalities, developed procedures for the royal

[50] James D. Tracy, *Emperor Charles V, Impresario of War: Campaign Strategy, International Finance, and Domestic Politics* (New York: Cambridge University Press, 2002), 50–51, 102; cf. Wim Blockmans, *Emperor Charles V, 1500–1558* (London: Arnold, 2002), 139–145.

[51] For analysis of the tax state as a transformation toward modern states, see Miguel Angel Ladero Quesada, *El siglo XV en Castilla: fuentes de renta y política fiscal* (Barcelona: Editorial Ariel, 1982).

[52] For analysis of the consultative process, see the exposition of the Belalcázar lawsuit in Owens, *Authority*, especially chapter 5, "Pursuing Justice."

appellate system, and institutionalized platforms of domestic stability and economic sustainability. Compelled by the cities and towns who underwrote the loans that bankers gave him, Charles helped to forge this constitutional monarchy; and he did so according to the guidelines provided by parliament. Parliamentarians also taught Charles the proper application of the prerogative of absolute power, because with it Charles could change traditional constitutional arrangements in order to accommodate and satisfy the cities' numerous communal demands.[53] The Cortes essentially forced Charles to create an empire based on privileges and judicial procedures, and to extend and reform Castilian institutions and administrative mechanisms in the colonial project. Not only did the cities of the Cortes continue to negotiate directly with the king and his ministers, they also institutionalized the Cortes as the constitutional platform to ensure a balance between the execution of royal duties and the compensation of municipal-based royal revenues.[54] Many of these strategies were parliamentary resolutions that Charles implemented between the years 1522 and 1528. In effect, Charles and his ministers, in concert with the cities, articulated strategies of state consolidation or *conservación* of the royal patrimony and the Castilian empire of cities and towns. My discoveries counter much of what has been assumed about Spanish government, the *comunero* revolt, and the so-called decline of Spain—a decline linked to royal absolutism, religious and political oppression, parliamentary emasculation (especially after the *comunero* civil wars) and inherent government corruption.

Historians relying on the decline thesis have overlooked at least two important aspects of early modern Spain and Castile. The first is that the cost of empire was a monarchical burden, and the effects of taxation were marginal to the national economy.[55] Warfare expenditures were

[53] For a revision of the French aristocracy, monarchical power, and the parliaments see Major, *Renaissance Monarchy*. For revision of dynasties as polities and the nation state as an anachronistic category, see Matthew Vester, "Social Hierarchies: The Upper Classes," in *A Companion to the Worlds of the Renaissance*, ed. Guido Ruggiero, Blackwell companions to European History (Malden: Blackwell Publishers, 2002), 227–242.

[54] Prior to the Cortes of 1523, the eighteen cities of the Cortes normally negotiated with their monarchs individually, especially regarding taxation. One of the consequences of the civil wars was a more unified commonwealth of cities that used parliament to bolster their shared agenda. For a comprehensive list of royal revenues, including taxes paid on a yearly basis, see Francisco de Laiglesia, *Estudios históricos, 1515–1555*, 3 vols. (Madrid: Imprenta Clásica Española, 1918–1919; 1908), 2:110–111.

[55] Similar to the Cortes' reluctance to pay the amounts that the monarchy requested is the case of England. For an analysis of royal taxation and complaints about the

symptoms revealing the economic health and illness of the monarchy.[56] Castilian towns continued to be creditworthy even when the king was not; the cities and towns decided when to finance royal bills and when to disregard new royal debt.[57] Bankruptcies did not register a national deficit; they were not endemic symptoms of poverty, but were solely monarchical and did not reflect the independent status of either noble families or municipalities.[58] The monarchical dependence on the Cortes' provision of continuous collateral empowered the city plenum to dictate and impose national platforms for the common good as well as to check the dynastic motives of the ruling house of the Spanish commonwealth.[59] The republics and nobility had made their position clear during the *comunero* revolt, when they all limited the crown's authority over taxation, subsidies, and the nature of tax exemptions.[60] The king's subjects and vassals protected themselves again and again against dynastic impositions, and so the monarchy went bankrupt when it was unable to acquire additional municipal-based funds.

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burden of taxation as a strategy of reluctance, see Michael J. Braddick, *The Nerves of State: Taxation and the Financing of the English State, 1558–1714* (New York: Manchester University Press, 1996), 111–119, 155–177.

[56] For an analysis of the cost of warfare, see I.A.A. Thompson, *Guerra y decadencia: gobierno y administración en la España de los Austrias, 1560–1620* (Barcelona: Editorial Crítica, 1981), 80, 355. For Charles, see Tracy, *Emperor Charles V*. For Philip, see Felipe Ruiz Martín, "Las finanzas españolas en tiempos de Felipe II," *Cuadernos de Historia: Anexos de la Revista Hispania* 2 (1968): 109–173; Modesto Ulloa, *La hacienda real en Castilla en el reinado de Felipe II* (Madrid: Fundación Universitaria Española, Seminario "Cisneros," 1986; 1977).

[57] Tracy, *Emperor Charles V*, 302. For sixteenth-century synthesis, see Jordi Nadal, *España en su cenit: 1516–1598: un ensayo de interpretación* (Barcelona: Crítica, 2005).

[58] For perspectives on Spanish economic history, revealing a continuity of commercial vitality and entrepreneurialism, see Antonio Miguel Bernal, *España proyecto inacabado: los costes/beneficio del imperio* (Madrid: Marcial Pons, 2005); Bartolomé Yun, *Marte contra Minerva: el precio del imperio español, c. 1450–1600*, Serie Mayor (Barcelona: Editorial Crítica, 2004); David R. Ringrose, *Spain, Europe and the "Spanish Miracle," 1700–1900* (New York: Cambridge University Press, 1996); Hilario Casado Alonso, *Señores, mercaderes, y campesino: la comarca de Burgos a fines de la Edad Media* (Valladolid: Junta de Castilla y León, 1987).

[59] For the evolution of the Cortes as policy maker, see Carretero Zamora, *Cortes, monarquía, ciudades*, 68–85.

[60] For the continuation of the consultative basis of lawmaking and taxation between the parliament and the monarchy, see José Ignacio Fortea Pérez, *Monarquía y cortes en la corona de Castilla: las ciudades ante la política fiscal de Felipe II* (Salamanca: Cortes de Castilla y León, 1990); Juan E. Gelabert González, *La bolsa del rey: rey, reino y fisco en Castilla, 1598–1648* (Barcelona: Editorial Crítica, 1997); I.A. A. Thompson, "Crown and Cortes in Castile, 1590–1665," in *Parliaments, Estates and Representation* 2 (1982): 29–45; Charles J. Jago, "Habsburg Absolutism and the Cortes of Castile," *American Historical Review* 86 (1981): 307–26.

The other factor is that the Habsburg monarchy was not a centralized and impermeable nation state with a rational coercive system.[61] Scholars who advance the decline thesis normally assume the teleology of the development of nation states consisting in the maturing processes of centralization and bureaucratization. These monopolistic mechanisms are typical features of the modern hegemonic nation state, whereas early modern Spain was, using Weber's formulation, more of a patrimonial administration than a modern state.[62] Unlike the modern state, the Spanish monarchy did not monopolize a value system that contained the casual factors for the construction of a nation state.[63] Although the critical values of religion, social mobility, and political action were prevalent factors associated with actors (e.g., appellate judges) in political institutions, they did not constitute 'national' identity.[64] In such teleological models, certain states (such as the United States and the Netherlands) are supreme because they reflect economic and political achievements consistent with assumptions about modern capitalist systems.[65] Spain, by this reading, was an inferior state, too Catholic and too feudal to advance or progress along the rational paths taken by exemplary democratic nation states with strong parliaments and quiescent inquisitions. A major assumption upon which such claims rest is that Castile never had a powerful parliament to advance a strong middle class capable of transforming its feudalism into a capitalist democratic system.[66]

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[61] Owens argues that the framework of consultation and consensus was primary. For details, see *Authority*, chapter 8, "The Paradox of Absolute Royal Authority."

[62] *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich, trans. Ephraim Fischoff et al., 2 vols. (Berkeley: University of California Press, 1978), 2:1028–1038, 1085–1087.

[63] Talcott Parsons, *Structure and Process in Modern Societies* (Glencoe: The Free Press, 1960), 172.

[64] On the relationship between identity and the modern state, see Seymour Martin Lipset, *The First New Nation: The United States in Historical and Comparative Perspective* (New York: Basic Books, 1963), 272.

[65] For an analysis of the 'providentialisms' of Protestant states and legal traditions that accentuated the status of 'elect' Calvinist nations, see Harold J. Berman, *Law and Revolution: Vol. 2, The Impact of the Protestant Reformation on the Western Legal Tradition* (Cambridge: Harvard University Press, 2003). For Calvinism as a modernizing force, see Philip Gorski, *The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe* (Chicago: University of Chicago Press, 2003).

[66] On this weakness of the Cortes vis-à-vis royal absolutism, see John Lynch, *Spain 1516–1598: From Nation State to World Empire* (Oxford: Blackwell Publishers, 1991), 62–66, 64. Lynch quotes Merriman who advances the debility thesis of the Cortes, in which Charles won the battle against the Cortes in 1523 and which was "a great blow at the liberties of Castile." See *The Rise of the Spanish Empire in the Old World and in the New*, 3:125–127, 126. John H. Elliott also advocates this assessment, claiming that

Another assumption is that Spain had an omnipotent inquisition similar to modern repressive institutions.[67]

In challenging such claims, I do not reject all models of early modern state formation. Instead I suggest that Charles and his Spanish subjects aspired to and developed a mixed constitutional model consisting of an executive, a judicial bureaucracy, and a parliament (composed of social elites).[68] The Spanish monarchs did craft a kind of state, more of a commonwealth of autonomous municipalities sharing a direct pipeline to the highest lord of justice, the king or queen. The Spanish global system was not based on coercive power that controlled and disciplined the population.[69] The Castilian mixed constitution represented the global commonwealth (*res publica*); within it, the monarchy was but one factor of political authority. As J.B. Owens argued about the modern state, it is a "fallacy of misplaced concreteness," and "it was not the 'power' of the institutions of a developing 'state' that kept Castilians loyal to the monarchy."[70]

My modification to the model of the early modern state is that the Spanish state was a system of courts that served the realm of independent towns and cities and their subject villages.[71] The executive

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"…the Cortes of Castile, which had never attained legislating power, emerged from the Middle Ages isolated and weak, and with little prospect of curbing an energetic monarch." For details, see *The Revolt of the Catalans*, 6–7.

[67] For the original thesis of the omnipotence of the Spanish Inquisition, see Juan Antonio Llorente, *Historia crítica de la inquisición en España*, 4 vols. (Madrid: Ediciones Hiperión, 1980; 1822). Llorente's thesis became the focal point of Henry Charles Lea, *A History of the Inquisition in Spain*, 4 vols. (New York: Macmillan, 1906–1907). For a recent revision of the "Orwellian" nature of the Inquisition, see Cristian Berco, "Social Control and its Limits: Sodomy, Local Sexual Economies, and Inquisitors during Spain's Golden Age," *Sixteenth Century Journal* 36/2 (2005): 331–358, 357. For overview and chronology, see Kamen, *The Spanish Inquisition*.

[68] For argument of Castilian mixed constitutionalism, see Joan Pau Rubiés, "La idea del gobierno mixto y su significado en la crisis de la Monarquía Hispánica," *Historia Social* 24 (1996): 57–81.

[69] For critique of older historiography, unsupported by evidence, of the closed Spain and of the omnipotence of the Spanish Inquisition as an enforcer and mechanism of "thought control," see Henry Kamen, *The Phoenix and the Flame: Catalonia and the Counter Reformation* (New Haven: Yale University Press, 1993), 73, 230–231, 265, especially 432–439. The Inquisition was "a very convenient tool for settling scores" (255).

[70] *Authority*, 1–2, 245, note 4.

[71] For an analysis of the dynamic interaction between cities and their dependent villages, see Salvador de Moxo, *Los antiguos señoríos de Toledo* (Toledo: Instituto Provincial de Investigaciones y Estudios Toledanos, 1973), 116; Casado Alonso, *Señores, mercaderes y campesinos*, 561. For analysis of municipal networks of cities and self-reliant villages, see Carla Rahn Philips, *Ciudad Real, 1500–1700: Growth, Crisis and Readjustment in the Spanish Economy* (Cambridge: Harvard University Press, 1979); María Asenjo González, *Segovia:*

provided justice, and judicial institutions were the horizontal bonds that afforded identity and secured loyalty, as long as the system was perceived by people to function according to the standards they formulated and refined through parliamentary procedures.[72] The measure of how well the state governed lay in the executive implementation of parliamentary laws of its representative assembly, the Cortes, and its performance of justice through a bureaucracy consisting of the appellate court system, which ranged from the *audencias* (royal appellate courts) to the *alcaldes mayores* (royal appellate judges in royal, seigniorial and ecclesiastical jurisdictions who, assisting the *corregidor*, dealt with cases involving diverse legal and religious traditions) and *corregidores* (royal appellate judges in

la ciudad y su tierra a fines del medievo (Segovia: Diputación Provincial de Segovia/Universidad Complutense de Madrid, 1986); Adeline Rucquoi, *Valladolid en la edad media*, 2 vols. (Valladolid: Junta de Castilla y León/Consejería de Educación y Cultura, 1987); Rafael Gibert, *El concejo de Madrid: su organización en los siglos XII a XV* (Madrid: Gráficas Martínez, 1949). For orientation on oligarchies and their internal structure, see Alberto Marcos Martín, "Oligarquías urbanas y gobiernos ciudadanos en la España del siglo XVI," in *Felipe II y el Mediterráneo*, ed. Ernest Belenguer Cebrià, 4 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 1999), 2:265–293. For the relationship between the monarchy and royal municipalities, see José Ignacio Fortea Pérez, "Poder real y poder municipal en Castilla en el siglo XVI," in *Estructuras y formas del poder en la historia*, ed. Reyna Pastor et al., Acta Salmanticencia: Estudios Históricos y Geográficos, 81, (Salamanca: Ediciones Universidad de Salamanca, 1994; 1991), 117–142. For explanation of city lordship over its subject villages, see José Antonio Bonachía Hernando, "El concejo como señorío (Castilla, siglos XIII–XV)," in *Concejos y ciudades en la Edad Media hispánica*, Congreso de Estudios Medievales (Avila: Fundación Sánchez-Albornoz, 1990), 429–463. For an analysis of the late medieval municipality as an aristocratic oligarchy, see Paulino Iradiel, "Formas del poder y de organización de la sociedad en las ciudades castellanas de la baja Edad Media," in *Estructuras y formas del poder en la historia*, 23–49. For investigation of the internal system of seigniorial towns, see José María Monsalvo Antón, *El sistema politico concejil: el ejemplo del señorío medieval de Alba de Tormes y su concejo de villa y tierra*, Acta Salmanticensia: Textos Medievales, 10 (Salamanca: Ediciones Universidad de Salamanca, 1988). For royal towns, see Miguel Angel Ladero Quesada, "Corona y ciudades en la Castilla del siglo XV," *En la España Medieval* 5:1 (1986): 551–574. For the cooperative dynamic between oligarchies and the monarchy in parliamentary mechanisms, see Benjamín González Alonso, "Poder regio, cortes y régimen político en la Castilla bajomedieval (1252–1474)," in *Las cortes de Castilla y León en la Edad Media: actas de la primera etapa del congreso científico sobre la historia de las cortes de Castilla y León, Burgos, 30 de septiembre a 3 de octubre de 1986*, ed. Cortes de Castilla y León, 2 vols. (Valladolid: Simancas Ediciones, 1988), 2:201–254.

[72] On the development of the Spanish nation and state building and the formation of Spanish identity on the basis of a progressive dialectic of local initiatives and French resistance, see Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley: University of California Press, 1989), 103–132.

royal cities and towns).[73] The process of consultation between the cities and the crown provided the judicial and executive mechanisms that facilitated the common good.[74]

As far as political organization is concerned, I propose that there was in the sixteenth century a political understanding of what today is called the 'state', which was not an exact cognate of *estado*. The sixteenth-century definition of *estado* denoted the patrimony and jurisdiction of a lord, whether municipal, seigniorial, royal or ecclesiastical.[75] In this regard, the state or *estado* is an appropriate category to account for the range of fiscal, administrative, commercial, legal, religious, and military policies that were formulated by political actors, which included the monarchy, ecclesiastical lords, great princes, and municipal republics.[76]

The early modern state may thus be understood as the king's patrimony that consisted in his jurisdiction over royal towns as well as the vassalic system of seigniorial and ecclesiastical lordships. But this was a sort of feudal network that required the king's operation of *merced*, an extralegal device providing compensations to loyal subjects (*servidores*) of the crown.[77] Based on personal ties of obedience and patronage, royal

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[73] For the Spanish Habsburg government system based on judicial service and public utility through its meritocracy, see José García Marín, *La burocracia castellana bajo los Austrias* (Jerez de la Frontera: Ediciones del Instituto García Oviedo, Universidad de Sevilla, 1976), 37–41.

[74] For a narrative about the power of popular cultural groups dictating standards of good government that the monarchy implemented, see Luis R. Corteguera, *For the Common Good: Popular Politics in Barcelona, 1580–1640* (Ithaca: Cornell University Press, 2002), 126–140.

[75] For the monarchy as an agent in the process of state formation along with other dynastic players, see Bartolomé Clavero, *Razón de estado, razón de individuo, razón de historia* (Madrid: Centro de Estudios Constitucionales, 1991); cf., Vester, "Social Hierarchies: The Upper Classes."

[76] For the operation of political actors, especially the powerful local elites, see J.A. Pardos Martínez, "Communitas, *persona invisibilis*," *Arqueología do Estado*, ed. Jornadas sobre Formas de Organização e Exercício dos Poderes na Europa do Sul, Séculos XIII–XVIII (Lisbon: História & Crítica, 1988), 935–955. For analysis of oligarchic influence and power in early modern Spain, see Rosa María Montejo Tejada, "Monarquía y gobierno concejil: continos reales en las ciudades castellanas a cominezos de la Edad Moderna," in *La administración municipal en la Edad Moderna. actas de la V reunión científica española de historia moderna*, ed. José Manuel de Bernardo Ares, 2 vols. (Cádiz: Universidad de Cádiz, 1999), 2:577–590; García Marín, *Teoría política*, 143–169. For reassessment of the nobility as an international concept transcending national boundaries, see Vester, "Social Hierarchies," 227–230.

[77] For definition, see Aurelio Espinosa, "Merced," *The Oxford Encyclopedia of Economic History*, ed. Joel Mokyr, 5 vols. (New York: Oxford University Press, 2003), 3:485–486.

merced applied to anyone who had sacrificed himself and his assets to help the king.

The commonwealth of diverse jurisdictional communities also constituted a *nación*, a late medieval conception of the nation, based on notions derived from humanist and civic traditions, chivalric ethics, and a national program embedded with conciliar formulations about the composition of Christendom as primary nations.[78] When the *comuneros* talked about their *republica*, they assumed a commonwealth of municipalities forming a kind of linked nation state, a conglomeration of distinct jurisdictions sharing legal and political traditions and whose members demonstrated a commitment of service, military and financial, to the regnant monarchy. The *republica* as a collective noun denoted the municipal coalition consisting in a relationship of concentric circles of power, from municipal councils to the highest appellate judge, the king himself, who was the overlord of all kinds of vassals and subjects. The king's monarchical system contained a bureaucracy of executive councils and judicial bodies that functioned on different levels, both as horizontal mechanisms facilitating the common good and as vertical channels confirming legal precedents for special vassals and laws for the realm of municipalities. The autonomies consisted of diverse estates, with distinct constitutions and a uniformity of laws articulated by municipalities with privileges of parliamentary membership (*voz y voto*) for the benefit of the realm.

The Cortes embodied the royal and seigniorial network and relationship of political jurisdictions, and even though the absence of the aristocracy and the clerical estate since 1539 transformed the Cortes into a unicameral body, members of the Cortes understood themselves to be representing the *nación*, the Spanish-speaking kingdoms of the Castilian empire (just as the militant *comuneros* had earlier articulated

[78] For analysis of the range of conciliar and humanist traditions informing a political and constitutional consciousness of national identity, see Pablo Fernández Albaladejo, "'Materia de España' y 'edificio' de historiografía: algunas consideraciones sobre la década de 1540," in *En torno a las comunidades de Castilla*, 109–130. For the relationship between conciliarism and Castilian constitutionalism, see Owens, *Authority*, 102–111. For an overview of political and intellectual sources and traditions of the Spanish Renaissance, see Domingo Ynduráin, *Humanismo y renacimiento en España* (Madrid: Editorial Cátedra, 1994); José Luis Abellán, *Historia crítica del pensamiento español: la edad de oro*, 4 vols. (Madrid: Espasa-Calpe, 1979), vol. 2. For argument about the nature of the Spanish Renaissance, see Helen Nader, *Los Mendoza y el Renacimiento español*, trans. Jesús Valiente Malla (Guadalajara: Institución Provincial de Cultura "Marqués de Santillana," 1986; 1976), 19–35.

the radical conciliar principle that their *junta* was supreme and truly emblematic of the kingdoms of Castile). Providing the bulk of royal revenue (at least eighty percent and also the collateral that Charles' creditors demanded), the Castilian Cortes voiced the interests of the republics controlled by local and regional organizations, interest groups, clans, aristocratic families, businesses, and commercial networks.[79]

The Castilian empire was a constitutional commonwealth and a global system of republics or autonomous municipalities. The Cortes asserted judicial principles, forcing the monarchy to implement parliamentary resolutions that linked the diverse jurisdictions of the Spanish peninsula and its transatlantic possessions. The king's appellate system was an interactive web of diverse jurisdictional communications (seigniorial, ecclesiastical, and royal) which operated along judicial procedures and management policies determined by the representatives to the Cortes, the *procuradores*. As the popular voice of the Castilian taxpayers (for everyone paid sales taxes, the *alcabala*), the Cortes too claimed an historical inheritance, one that consisted of political innovations and constitutional continuities established in law codes and in its petitions. In military terms, the identification of the Cortes with the nation of *destos reinos* was based on defensive obligations in service to the kings of Spain, because the Cortes essentially bankrolled the crown's foreign policy decisions.

Geographically, the accent of this study is placed on early sixteenth-century Castile, although examples from colonial Mexico are invoked in order to demonstrate the transfer of critical political platforms of Castilian constitutionalism during the 1520s: democratic institutions and institutional accountability effected through those perennial features of the Castilian empire, *visitas* and *residencias*, audits of the appellate courts.[80]

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[79] For analysis of the powerful defensive mechanisms of communities and oligarchies and their internal bureaucratization, see Pedro Lorenzo Cadarso, *Los conflictos populares en Castilla, siglos XVI–XVII* (Madrid: Siglo Veintiuno Editores, 1996); Jorge Ortuño Molina, *Realengo y señorío en el marquesado de Villena: organización económica y social en tierras castellanas a finales de la Edad Media (1475–1530)*, Biblioteca de Estudios Regionales, 52 (Murcia: Edición de la Real Academia Alfonso X el Sabio, Excmo. Ayuntamiento de Yecla, 2005), 109–140,176–188.

[80] For the transfer of Spanish representative institutions (e.g., *residencias*, *ayuntamientos*, *concejos*, and *audiencias*) see Stafford Poole, *Juan de Ovando: Governing the Spanish Empire in the Reign of Philip II* (Norman: University of Oklahoma Press, 2004), 155; Robert Haskett, *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca* (Albuquerque: University of New Mexico Press, 1991), 27–59. For Castilian municipal patronage mechanisms developed in New Spain, see Adelaida Sagarra Gamazo, *Burgos y el gobierno*

I associate Castile with the Spanish empire because this medieval crown furnished the majority of the human resources and royal revenues that went into global projects and institutional reconstruction; and while the crucial parliamentary accords that determined the nature and shape of the government machinery existed independently of the king himself, all institutions were dependent upon the executive for supervision. Castile was, moreover, the largest and richest crown of Iberia, constituting over ninety percent of the Spanish population, eighty percent of the land, and ninety percent of the wealth.[81] The estimates for the population of Spain in 1500 range from just over eleven million to 6.8 million and 4.7 million.[82] Calculated on the basis of the largest number, the kingdom of Castile was by far the densest at twenty-two inhabitants per square kilometer, whereas the population density of Aragon was 13.6.[83] The Iberian Peninsula contained a land mass of 580,000 square kilometers, and of these the crown of Castile ruled over 378,000. Castilians were also in charge of the global bureaucracy, and in the sixteenth century they dominated and controlled the Mediterranean possessions of the Aragonese crown.[84] The American colonial project was also a Castilian enterprise. Castile transformed the medieval crowns into an empire under one monarch.

Charles was especially important because he resurrected the Castilian empire after the death of Queen Isabel in 1504, and he also

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indiano: la clientela del Obispo Fonseca (Burgos: Caja de Burgos, 1998). For the durability of political autonomy (versus policies of centralization under Philip IV), see Cayetana Álvarez de Toledo, *Politics and Reform in Spain and Viceregal Mexico: The Life and Thought of Juan de Palafox, 1600–1659* (New York: Oxford University Press, 2004), 98–110, and for *residencias*, 269–270, 273–274. For analysis of confessionalization in the New World, see Horst Pietschmann, "Los problemas políticos indianos," in *Carlos V y la quiebra del humanismo político en Europa (1530–1558), Madrid, 3–6 de julio de 2000*, ed. José Martínez Millán, 4 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001), 4:49–70. In Latin American historiography, the 'feudal' paradigm is programmatic and obligatory. See, for example, Alan Knight, *Mexico: From the Beginning to the Spanish Conquest* (Cambridge: Cambridge University Press, 2002), Introduction, "military and material conquest."

[81] For tax yields of the Spanish jurisdictions, see Laiglesia, *Estudios Históricos, 1515–1555* (1918), vol. 2; Tracy, *Emperor Charles V*, 50–51.

[82] For the estimate of 6.8, see Jan de Vries, "Population" in *Handbook of European History, 1400–1600: Late Middle Ages, Renaissance and Reformation*, 2 vols., ed. Thomas A. Brady, Heiko A. Oberman, and James D. Tracy (New York: Brill Academic Publishers, 1994), 1:1–50, 13. For the estimate of 4.69 million, see Yun, *Marte contra Minerva*, 168.

[83] Elliott, *Imperial Spain*, 25.

[84] For argument of Castilian institutionalization that incorporated jurists and bureaucrats, see I.I. A Thompson, "Administración y administradores en el reinado de Carlos V," in *En torno a las comunidades de Castilla*, 93–107.

implemented reform policies and institutionalized management mechanisms after two significantly destabilizing events, the death of Regent Fernando of Aragon in 1516 and the *comunero* revolt of 1520–1521. No doubt, Charles' struggle to preserve his imperial inheritance transformed him into an enemy of Protestants and a friend of the Inquisition.[85] But the focus of my study is neither medieval religion nor the German empire, and I do not endeavor to articulate a narrative of Charles' imperial career.[86] In no way do I intend to place him within Teutonic and other continental traditions; this would require a range of monographs.[87] Recent conferences have provided new perspectives

[85] See, for example, the publication of conference proceedings on Charles and his battle against Protestant reformers: Jean Boisset, Guy Le Thiec, and Alain Tallon, eds., *Charles Quint face aux réformes: colloque international organisé par le centre d'histoire des réformes et du protestantisme, 11e colloque Jean Boisset, Montpellier, 8–9 juin 2001, Université Paul Valéry-Montpellier III*, Colloques, Congrés et Conférences sur la Renaissance, 49 (Paris: Honoré Champion, 2005); Bernd Moeller, "La Réforme," *Carolus Charles Quint 1500–1558*, ed. Hugo Soly and Johan Van de Wiele (Ghent: Snoeck-Ducaju & Zoon, 2000), 57–68; José Martínez Millán, "Corrientes espirituales y facciones políticas en el servicio del emperador Carlos V," in *The World of Emperor Charles V, Proceedings of the Colloquium, Amsterdam, 4–6 October 2000*, ed. Wim Blockmans and Nicolette Mout (Amsterdam: Royal Netherlands Academy of Arts and Sciences, 2004), 97–126. For a short overview of the Habsburg confessional orientation, especially in the German empire, see Gottfried Mraz, "Fernando I y su actuación en el conflicto de las confesiones: la reforma y la reforma católica," in *Fernando I, un infante español emperador*, ed. Teófanes Egido López (Valladolid: Universidad de Valladolid, Vicerrectorado de Estensión Universitaria, MUVa, 2003), 101–107; Anna Coreth, *Pietas Austriaca* (West Lafayette: Purdue University Press, 2004); Alfred Kohler and Martina Fuchs, ed., *Kaiser Ferdinand I. Aspekte eines Herrscherlebens*, Geschichte in der Epoche Karls V, Bd., 2 (Münster: Aschendorff, 2003).

[86] For an overview of Charles' universalism, see Juan Luis Castellano Castellano and Francisco Sánchez-Montes González, eds., *Carlos V: europeísmo y universalidad, congreso internacional, Granada, mayo 2000*, 5 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001). For German scholarship drawing on secondary literature, see the recent review article by C. Scott Dixon, "Charles V and the Historians: Some Recent German Works on the Emperor and his Reign," *German History* 21:1 (2003): 104–124.

[87] There are others specialized areas of study for Charles' imperial duties, such as his role in diets and in German politics. See, Ernst Schulin, *Kaiser Karl V.: Geschichte eines übergrossen Wirkungsbereiches* (Stuttgart: Kohlhammer, 1999); Heinrich Lutz and Alfred Kohler, ed., *Aus der Arbeit an den Reichstagen unter Kaiser Karl V.: sieben Beiträge zu Fragen der Forchung und Edition* (Göttingen: Vandenhoeck & Ruprecht, 1986). For imperial institutions, see Luise Schorn-Schütte, *Karl V. Kaiser zwischen Mittelalter und Neuzeit* (Munich: C.H. Beck, 2000); Horst Rabe, ed., *Karl V. Politik und politisches System: Berichte und Studien aus der Arbeit an der politischen Korrespondenz des Kaisers* (Constance: UVK-Universitätsverlag Konstanz, 1996); Peter Rassow, *Die politische Welt Karls V* (Munich: H. Rinn, 1940). Other overviews of Charles' rule include those regarding finance, for example, Antony Smal, ed., *L'escarcelle de Charles Quint: Monnaies et finances au XVI^e siècle: exposition au Musée de la Banque Nationale de Belgique. Bruxelles, du 15 mai au 30 juin 2000* (Brussels: Musée de

on and analyses of Habsburg dynastic praxis as well as elements of its material culture, but these are only tangential to my focus on Charles as the king of Spain, in particular as the king of the Castilian empire of cities and towns that bankrolled his dynastic ventures.

My claims, then, concern Charles as the king of Spain and overlord of the Castilian empire. The first and most fundamental of these is that Charles' absolute power was constrained.[88] He was an absolutist monarch in so far as he was independent of Rome and his princes; but he was dependent upon his subjects for revenue. He operated within the framework of a mixed constitution, and he obeyed constitutional mandates affecting the global appellate system and local offices consisting of *corregidores* and *alcaldes mayores*.[89] Charles navigated seigniorial and ecclesiastical jurisdictions and independent city-states and municipal networks with a compass of constitutional degrees; that is, he made decisions affecting Castile, especially after the *comunero* revolt, with the consent of the Cortes.[90] Although sixteenth-century political discourse reveals a traditional feudal hierarchy based on Roman and Carolingian models, there was another discourse that accentuated royal service.[91]

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la Banque Nationale de Belgique, 2000). For Charles' policies in the Netherlands as dynastic efforts to gain fuller control over religion, see Jochen A. Fühner, *Die Kirchen- und die antireformatorische Religionspolitik Kaiser Karl V. in den siebzehn Provinzen der Niederlande, 1515–1555* (Leiden: Brill Academic Publishers, 2004). For overview of religious change in the empire, see Ferdinand Seibt, *Karl V.: Der Kaiser und die Reformation* (Berlin: Siedler Verlag, 1990). For Ferdinand, see Karl Friedrich Rudolf et al., *Fernando I, un infante español emperador* (Valladolid: Universidad de Valladolid, 2003).

[88] For Castilian mixed constitutionalism, see Joan Pau Rubiés, "La idea del gobierno mixto y su significado en la crisis de la Monarquía Hispánica," *Historia Social* 24 (1996): 57–81. For the Spanish articulation of royal power, see Édouard, *L'émpire imaginaire de Philippe II*, introduction. For symbols of Renaissance monarchs, see Paul Kléber Monod, *The Power of Kings: Monarchy and Religion in Europe, 1589–1715* (New Haven: Yale University Press, 1999), 59–62.

[89] For an analysis of the ways in which medieval Spanish monarchs were absolutist, see Nicholas Henshall, *The Myth of Absolutism: Change and Continuity in Early Modern European Monarchy* (Harlow: Longman, 1992), 122–125. For Spain specifically, see Helen Nader, "The More Communes, the Greater the King': Hidden Communes in Absolutist Theory," *Theorien kommunaler Ordnung in Europa*, ed. Peter Blickle (Munich: R. Oldenbourg, 1996), 215–223; Salustiano de Dios, *Gracia, merced, y patronazgo real: la cámara de Castilla entre 1474–1530*, Historia de la Sociedad Política (Madrid: Centro de Estudios Constitucionales, 1993).

[90] I utilize Owen's 'conception' of Castile and the Hispanic Monarchy "as a complex array of intricate, overlapping, interlocal, interactive economic, political, and information networks," which are connected by municipalities. See *Authority*, 4, 246 note 8.

[91] For the principles that the king was responsible for the administration of justice and that the royal office transcended the person of the king, see José María García Marín, *Teoría política y gobierno en la monarquía hispánica*, Colección Estudios Políticos

When Charles needed to fight a war he had to call upon the nobility and the towns, and when his bankers required collateral he also had to plead with royal cities and towns. Charles was the overlord of municipalities, and they were the vital resources of his authority. The cities and towns were jurisdictions of nobles and the third estate of merchants, farmers, and lawyers who exercised sufficient power to enforce the executive implementation of government management programs. They knew when the king had done his job: lawyers had been appointed to royal offices and appointees were tested and held accountable to management standards and procedures of audits. The nobles were more appreciative of royal extra-judicial power, especially vassalic privileges, which provided them additional revenues from their jurisdictions and confirmed, through royal absolute power, exemptions from the law. These exemptions constituted the legal basis of seigniorial estates, their territorial jurisdictions, tax privileges, and inheritance confirmations. Local citizens relied more on the efficiency and reliability of appellate courts.

(Madrid: Centro de Estudios Políticos y Constitucionales, 1998), 45–56. For royal duties articulated for Charles, see Antonio de Guevara, *Obras completas: Relox de príncipes*, 4 vols. (Madrid: Biblioteca Castro, 1994) vol. 2 (Guevara was Charles' official chronicler). For recent review of Charles' feudal and Carolingian model of universal monarchy, see Édouard, *L'empire imaginaire de Philippe II*, 87–128; Silvio Leydi, *Sub umbria imperialis aquilae: immagini del potere e consenso politico nella Milano di Carlo V*, Fondazione Luigi Firpo, Centro di Studi sul Pensiero Politico, Studi e Testi, 9 (Florence: Leo S. Olschki, 1999), 33–43; Kohler, *Carlos V, 1500–1558*, 90–98. For analysis, see Franz Bosbach, *Monarchia Universalis: ein politischer Leitbegriff der frühen Neuzeit*, Schriftenreihe der Historischen Kommission bei der Bayerischen Akademie der Wissenschaften, Bd., 32 (Göttingen: Vandenhoeck & Ruprecht, 1988); Francis A. Yates, *Astrea: The Imperial Theme in the Sixteenth Century* (London: Pimlico, 1993; 1975), 1–28. For a revision of the theory of Charles' universal monarchy, see Peer Schmidt, "Monarchia universalis vs. monarchiae universales," in *Carlos V y la quiebra del humanismo político en Europa, 1530–1558, congreso internacional, Madrid, 3–6 julio 2000*, ed. José Martínez Millán, 4 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001), 1:15–121. For the argument that Charles' imperialism stemmed from medieval Christian concepts, see Bosbach, *Monarchia Universalis*. For the argument that Spanish imperialism inspired and directed Charles' universalism, see Joseph Pérez, "La idea imperial de Carlos V," 1:239–250, 249. For an analysis of sixteenth-century Spanish political discourse, see Ronald W. Truman, *Spanish Treatises on Government, Society and Religion in the Time of Philip II: The 'De Regimine Principum' and Associated Traditions*, Brill's Studies in Intellectual History, 95 (Leiden: Brill Academic Publishers, 1999). For the articulation of policies, from just war to expansionist projects, see J.A. Fernández Santamaría, *The State, War and Peace: Spanish Political Thought in the Renaissance, 1516–1559* (Cambridge: Cambridge University Press, 1977). For Spanish political consequences, see José María García Marín, *Monarquía católica en Italia: burocracia imperial y privilegios constitucionales* (Madrid: Centro de Estudios Constitucionales, 1992).

I began my research in order to provide an analysis of Castilian political culture, in particular the reconstruction of Castilian society after the *comunero* civil wars.[92] I was not convinced that Charles imposed his absolutist will upon the Castilian people, destroying Castilian communal vitality and democratic values. The archival evidence that I assessed suggests a much more dynamic scenario involving intense negotiation. Relying on city council letters, parliamentary minutes (which have not been published; only the petitions are available in print), executive material that included memos, appointment sheets, inventories of candidates and their qualifications, judicial records, correspondence and published primary sources, I made the connection between the grievances of the *comuneros*, the concerns of the parliament, and the mass of documents pertaining to the reconstruction of the Castilian political system. I contextualized each of these examples of local pursuits

[92] Most scholarly analyses of the *comunero* revolt explain the causes. In this study I underscore the institutional changes and political programs after the event symbolized by the royalist victory over the *comuneros* in April 1521 in the town of Villalar. A recent conference on the *comunidades* has resulted in a volume that presents new historiographical lines as well as a reassessment of the scholarship (Martínez Gil, *En torno a las comunidades de Castilla*). For the thesis of the revolution of the *comunidades* as a democratic organization with its own constitutional platform, see José Belmonte Díaz, *Los comuneros de la santa junta, la "constitución de Avila"* (Avila: Caja de Ahorros de Avila, 1986), 13. For an analysis of the revolt as a class struggle between the aristocracy and oligarchies (and taxpayers), see Joseph Pérez, *La revolución de las comunidades de Castilla, 1520–1521*, trans. Juan José Faci Lacasta (Mexico: Siglo Ventiuno Editores, 1998; 1970), 681–684; cf., [Jack] B. Owens, *Rebelión, monarquía y oligarquía murciana en el época de Carlos* V, (Murcia: Secretariado de Publicaciones de la Universidad de Murcia, 1980), 64–65, 172. For the thesis that the civil wars were the result of the combination of the collapse of the Castilian state in 1504 and the resurgence of a nationalist program directed against the Burgundian administration, see Manuel Danvila y Collado, ed., *Historia crítica y documentada de las comunidades de Castilla*, 6 vols. (35–40), MHE, 35–40 (Madrid: MHE, 1897–1900), 35:122–124. For the claim that the cause of the revolt was about social transformation and institutional change, see Pablo Sánchez León, *Absolutismo y comunidad: los orígenes sociales de la guerra de los comuneros de Castilla* (Madrid: Siglo Veintiuno Editores, 1998). For the thesis that the consequence of the royalist victory over the *comuneros* was the strengthening of the oligarchies and the demise of grass roots politics, compromising the development of a vibrant middle class, see Máximo Diago Hernando, "Transformaciones en las instituciones de gobierno local de las ciudades castellanas durante la revuelta comunera (1520–1521)," *Hispania* 63 (2003): 623–656, 654. For the traditional interpretation of the cause of the revolt as based on antagonism against the foreign court and its policies, which became a class war between the aristocracy and the taxpayers, see Henry Latimer Seaver, *The Great Revolt in Castile: A Study of the Comunero Movement of 1520–1521* (Boston: Houghton Mifflin, 1928), 305. For the *germanías* and their economic 'gestation,' see Ricardo García Cárcel, *Las germanías de Valencia*, Historia, ciencia, sociedad, 119 (Barcelona: Ediciones Península, 1981; 1975), chapter two, "La Gestación."

and civic action, from the constitutional platform of the 1517 Cortes to transform Charles' Burgundian regime to the constitutional renovations that were the basis of the new Spanish monarchy that Charles rebuilt in the 1520s. The 'bricks and mortar' he used came from the city councils, as well as the labor and expertise in the architecture of new politics of accountability.

My assumptions about the citizens who participated in the rebellion of the *comunidades* and who were represented by the members of parliament derive from city council correspondence, the minutes of the sessions of parliament, and a set of magisterial monographs on farmer politics.[93] These sources suggest that taxpayers held high expectations about the kind of government they required. They used their local institutions and their representatives to implement their decisions. The platform of accountability was the primary domestic concern of the parliamentary representatives and their respective councils. These republics imposed a series of management reforms on the executive and the judiciary, and they too experienced a transformation of their local political system because the royal administration had to exercise a more judicious strategy of appointing officials such as the city appellate judge, the *corregidor*, and the municipal magistrate, the *regidor*; such nominations became subject to new criteria of local administration based on the demands for royal appointments without regard to local clientage networks.[94] The logic of municipal selection by the king reflected a

[93] My understanding of the internal nature of municipalities and its citizens is based from the study of Castilian farmers by Jesús Izquierdo Martín, *El rostro de la comunidad: la identidad del campesino en la Castilla del Antiguo Régimen* (Madrid: Consejo Económico y Social, Comunidad de Madrid, 2001). For town and village structures and initiatives, I am indebted to Nader's *Liberty* and Casado Alonso's *Señores, mercaderes y campesinos*. Nader argues that the smaller the town the more democratic it was due to its direct democracy in which all male citizens were able to vote in town meetings (12). Casado Alonso, on the other hand, shows how a large city like Burgos, a "mesocracia urbana," was an entrepreneurial network of small villages that, subject to the Burgos city council, were fully engaged in their own local elections (498, 536–547, 538). The city was thus a hub of interlocking self-ruling republics.

[94] For the Castilian administration's concerns over appointments based on clan influence, see AGS, Estado, leg. 12, fol. 221, "consulta de consejo," Burgos, 20 Feb 1524. For President Tavera's policy of royal appointments without influence from local interests and pressures, see AGS, Estado, leg. 20, fol. 174, Tavera to Cobos, 13 July 1530? Estado, leg. 13, fols. 225–231; Estado 15, fol. 18; Estado 15, folio 21. For controls over local patronage, see AGS, Estado, leg. 14, fol. 247; Estado, leg. 15, fol. 12. For the parliamentary position regarding appointment standards and checks on patronage systems, see AGS, Patronato Real, leg. 69, fol. 58, Cortes de Santiago, 1520; Patronato Real, leg. 70, fol. 9, Libro de Cortes del Oficio del Señor Secretario y Oficio Villegas,

principle articulated by the *comuneros*, that of sound reputation, which related to the candidate's education, experience, and integrity. Just as the king was supposed to be dutiful to parliament, the cities and towns in control of the parliament were responsible to their constituents, the taxpayers.[95]

The taxpayers participated in the civic sphere of recognition along with their superiors who shared a common market of values. The currencies of this municipal market were reciprocity, prestige, confidence, and solidarity. They also held two essential assumptions that constituted local citizenship: "citizenship was a natural right, which people could exercise freely" and "the expression of will."[96] The collectivity created the distinct agencies in which members of the town demonstrated their importance to the group; identity was fashioned through the currencies that the community recognized. The community was therefore the hegemonic provider of identity, the guardian of a symbolic grammar of interpretive outlets and alternatives, by which members of the

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Cortes 1520, La Coruña, 16–40. For an analysis of local oligarchies controlled by merchants and farmers, see Hilario Casado Alonso, "Solidaridades campesinas en Burgos a fines de la Edad Media," in *Relaciones de poder, de producción y parentesco en la Edad Media y Moderna: aproximación a su Studio*, ed. Reyna Pastor (Madrid: CSIC, 1990), 279–304. For client-patron relations in Spain, see David Ringrose, "Economía, oligarquía y cambio institucional en España," in *Imperio y peninsula: ensayos sobre historia económica de España, siglos XVI–XIX*, trans. Pilar López Máñez (Madrid: Siglo Veintiuno Editores, 1987), 138–175. For an analysis of the local hierarchy of one of the most important royal towns of Castile, see Rucquoi, *Valladolid en la Edad Media*, 2 vols. (Valladolid: Junta de Castilla y León, 1997), 1:49–85, 174–194; cf., Máximo Diago Hernando, *Soria en la Baja Edad Media: espacio rural y economía agrarian* (Madrid: Editorial Complutense, 1993), 33–58. For an explanation of elite groups, clans and families in a city, see Clara Isabel López Benito, *La nobleza salmantina ante la vida y la muerte, 1476–1535* (Salamanca: Ediciones de la Diputación de Salamanca, 1992), 21–54. For civic politics in the city of Toledo, especially the activities of the *regidores* as "men of money and business" and as a system of factions, see Linda Martz, *A Network of Converso Families in Early Modern Toledo: Assimilating a Minority* (Ann Arbor: The University of Michigan Press, 2003), 15, 203, 388–392 passim. For the activities of the *jurados*, who represented the parishes in city council sessions and who served as *procuradores* to the Cortes, see Martz, *A Network of Converso Families*, 15–16.

[95] For the thesis of the late medieval tradition of the popular propulsion and political advance of taxpayers into power brokers within their respective oligarchies, see María Isabel Val Valdivieso, "Aspiraciones y actitudes sociopolíticas: una aproximación a la sociedad urbana de la Castilla bajomedieval," in *La ciudad medieval*, ed. José Antonio Bonachía Hernando (Valladolid: Universidad de Valladolid, 1996), 219–250. For an analysis of civic discourse, see Juan Ignacio Gutiérrez Nieto, "Semántica del término 'comunidad' antes de 1520: las asociaciones juradas de defensa," *Hispania* 136 (1977): 319–367.

[96] Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven: Yale University Press, 2003), 25.

collectivity recognized others and communicated on the basis of a shared communal discourse. Citizens understood reciprocal responsibilities and opportunities.[97] Although a minority of citizens acquired much more than the majority, the principles of reciprocity and mutuality sustained a strong homogeneous communal identity.[98] The republic symbolized the collectivity; local hierarchies and rural municipal councils intervened in daily life with their institutions consisting in guilds, confraternities, and parish voting blocs.[99] Individuals with political power sought recognition or reputation, and they represented themselves within the matrix of communal advancement, not self-interest. The local republic did not represent a class interest, but instead reproduced the notion of the body politic; rather than stratifying groups, it created a fiction of a collective community. Smaller communities were more democratic, yet strategies of communal integration consisted in the ubiquitous principle of individual reciprocity. Farmers were granted a range of privileges and rights by the community; these set limits on what an individual could and could not do. This municipal control of political and economic life ensured that competition among diverse economic concerns generated further communal coordination. Status and class distinctions were communal goods, the basis of the competition for privileges that were controlled by the republic. The town government provided citizens with benefits, and through the distribution of special

[97] I make use of Tamar Herzog who argues that the concept of citizenship was grounded upon the community and its local contract. Due to Castilian expansionism and the formation of modern states, the dynamic of local identity developed into national concepts . See "Communities Becoming a Nation: Spain and Spanish American in the Wake of Modernity (and Thereafter)," *Citizenship Studies* 11/2 (May 2007): 151–172.

[98] For case study of Toledo (as a pattern of the incorporation of *diputados* into the *regimiento* and the political integration of diverse sectors of the municipal franchise), see Francisco Javier Aranda Pérez, *Poder y poderes en la ciudad de Toledo: gobierno, sociedad y oligarquías urbanas en la Edad Moderna* (Cuenca: Universidad Castilla-La Mancha, 1999), 64. For political integration in Madrid, see Carmen Losa Contreras, *El concejo de Madrid en el tránsito de la Edad Media a la Edad Moderna* (Madrid: Dykinson, 1999), 43–44. For late medieval antecedents, see José Antonio Jara Fuente, "Sobre el concejo cerrado: asamblearismo y participación política en las ciudades castellanas," *Studia Histórica: Historia Medieval* 17 (1999).

[99] This popular political involvement continued after the civil wars, as in the case of Valencia. For details, see Ampara Felipo Orts, "Corona y oligarquía en la ciudad de Valencia durante el reinado de Carlos V," *Estudis: Revista de Historia Moderna* 26 (2001): 59–93; Juame Dantí I Riu, "Oligarquía urbana i hisenda local a Barcelona al segle XVI," in *Felipe II y el Mediterráneo*, 2:345–362; James Amelang, *Honored Citizens of Barcelona: Patrician Culture and Class Relations, 1490–1714* (Princeton: Princeton University Press, 1986). For Toledo, see Martz, *A Network of Converso Families*, 15–16, 188.

concessions the government facilitated internal communal integrity. Civic and social structures, from open town council sessions to business transactions, facilitated symmetrical identification in spite of class differences among the citizenry.

In this study, I investigate the strategies of state formation formulated by Castilian republics from the late medieval period to the first global age. I do not analyze individual republics and local units of power, but I do investigate the parliamentary platform of government accountability. I focus on the major executive and judicial institutions during the first three decades of the sixteenth century, which were critical for the globalization of Hispanic civilization as a trajectory of the municipal franchise—a franchise that was loyal to the monarchy as long as the king supported programs of local autonomy and judicial accountability. Overall, the study covers two themes: the constitutional elements of the early modern Spanish state and the political development of the Castilian commonwealth as a decentralized empire of autonomous municipalities interconnected by platforms of judicial management and executive competency.[100] I hope to provide an understanding of the process by which Castilian jurisdictions represented in parliament achieved their goals of internal stability and growth.

The elements of the early modern state based on the celebration of constitutional prerogatives of the cities of Castile emerge very forcefully in the 1520s. There were three strategic platforms that a just king had to accept: municipal power, parliamentary authority, and government accountability. In the first chapter I address the late medieval trajectory of local and royal power, and the failed operation of Burgundian patronage, an innovation that compromised Spain's internalization program of the defense of municipal republics. I assess the Burgundian misinterpretation of Spanish absolute power, the *comunero* revolution, and the *comunero* 'liberty' platform. This chapter is about the lessons enunciated by the *comuneros* detailing the fundamentals of good government, the principles of lordship, and the conditions of

[100] For an overview of Spanish republican elements, see Xavier Gil, "Republican Politics in Early Modern Spain: The Castilian and Catalano-Aragonese Traditions," in *Republicanism: A Shared European Heritage, Vol. 1, Republicanism and Constitutionalism in Early Modern Europe*, eds. Martin Van Gelderen and Quentin Skinner (New York: Cambridge University Press, 2002), 1:263–288. On the importance of the Cortes as a constitutional platform, see I.A.A. Thompson, "Crown and Cortes in Castile, 1590–1665," in *Crown and Cortes: Government, Institutions and Representation in Early-Modern Castile* (Aldershot: Variorum Reprints, 1993; 1982), 29–45.

rule and absolute power. In the second chapter I show how Charles incorporated the powerful cities and towns and aristocrats of Castile as a commonwealth of autonomies sharing a commitment to republican virtues. I evaluate records of noble solicitations of privileges and royal confirmations, including many requests that apparently were ignored. Charles was sufficiently magnanimous in his supply of *merced*, only to the degree that these special confirmations were rewards for service and loyalty as well as inducements to fidelity to the dynasty. Charles gave aristocrats privileges that cemented their mutual obligations; he implemented policies forged by the municipalities of Castile in order to bridge the divergence of interests between a foreign dynasty and a commonwealth of cities and towns with a history of achieving their goals. The third chapter concerns the programs of hispanicization and executive reform, both of which were established by parliament and implemented by the post-*comunero* administration. Chapter IV describes the transformation of the bureaucracy into a meritocracy, explaining how Charles reformed the judiciary and established regulations and procedures for the appellate system. My treatment of the extension and development of parliamentary procedures appears in Chapter V, which deals with Castilian expansionism.[101] This chapter pinpoints the achievements of the Castilian state under Charles (achievements that have been misinterpreted as character flaws and excesses), especially the extension of Castilian institutions as transatlantic operations, and reveals how Charles had to administer the empire of the cities through principles of autonomy and judicial accountability.[102]

The implications of my research stem from my discovery that the cities and towns of the Cortes devised a plan in 1523 to renew the judicial apparatus based on constitutional mandates, and that the cities successfully challenged the monarchy to implement these mechanisms of good government by transforming absolute power as a facilitator of

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[101] For an argument of liberty as the aim of all Castilian municipalities, see Nader, *Liberty in Absolutist Spain*, introduction. On the meaning of Spanish absolutism as circumscribed, see the contribution by I.A.A. Thompson, "Absolutism in Castile," in *Crown and Cortes*, 69–98.

[102] I want to explain another aspect of Castilian expansionism as an integral part of judicial reconstruction and accountability. For the colonial 'administrative apparatus' as a 'tool of domination,' see Peter Bakewell, "Conquest after the conquest: the rise of Spanish domination in America," in *Spain, Europe and the Atlantic world: Essays in honour of John H. Elliott*, ed. Richard L. Kagan and Geoffrey Parker (New York: Cambridge University Press, 1995), 296–315, 298.

local autonomy. I hope that scholars and students gain an appreciation for forgotten communal legacies and acquire some historical perspective about popular politics and the art of negotiation at a time when executive systems were administrative devices accountable to local units of power.

CHAPTER ONE

THE STRUGGLE FOR POWER

This chapter provides an analysis of a longitudinal survey of municipal and monarchical relations; it seeks to establish the antecedents of parliamentary power, clerical and legal mechanisms of authority, and royal interaction. Divided into five sections, this survey documents transitions from the late medieval period to the defeat of the *comuneros* in April 1521: (1) the Trastámara legacy (1369–1504) of royal alliances with nobles, the cities and towns, and the church; (2) the patronage system introduced by Philip I (r. 1504–1506); (3) the reactivation of the patronage policies of Charles' Burgundian regime of 1517–1521; (4) political discourses of the *comuneros* during the *comunero* revolt (1520–1521); and (5) the *comunero* platform of justice. The common denominator in all of these institutional changes is the active role that the cities and towns of the Cortes played in supplying the guidelines of judicial operations and good government and in forcing monarchs to accept municipal power.

The Late Medieval Compromise: The Dynastic and Municipal Partnership

The strong communal spirit of over 28,000 municipalities confronted Charles as he repeatedly attempted to generate capital for his ambitions, from the beginning to the end of his reign.[1] Charles discovered

[1] For similar resistance by the Cortes to royal demands made by subsequent Habsburg rulers, see Charles Jago, "Habsburg Absolutism and the Cortes of Castile," *America Historical Review* 86 (1981): 307–326. Jago writes that "the principle of no taxation without consent gave the Cortes and the eighteen cities it represented the ability to block and frustrate the interests of the crown and placed them in a strong position to negotiate tax agreements favorable to their own" (310). Furthermore, he adds that "the Cortes acquired extensive fiscal and administrative powers and increased its political influence" (312). I would like to add that the Cortes had already, since the *comunero* revolt, acquired such powers and had become accustomed to force the monarchy to address their grievances prior to any financial settlement. See also his article, "Philip II and the Cortes of Castile: The Case of the Cortes of 1576," *Past and Present* 109 (1985): 24–43.

within the first few months of his reign that for the kings of Spain the fundamental basis of authority (and income) was the municipal contract, which consisted of the royal obligation to support and enhance the judicial system required by the cities. Indeed, the first Trastámara monarch, Enrique II (r. 1369–1379), could not have succeeded in usurping the throne without the financial and political backing of productive municipalities.[2] During the tumultuous fourteenth and fifteenth centuries Spanish monarchs succeeded precisely because they provided *merced* to their supporters, in particular the cities of the Cortes.[3]

Charles also did not initially understand what the Trastámara monarchs had long ago realized: the Spanish church was essential for their survival.[4] Beginning with Enrique II, ecclesiastical privileges such as the political advancement of churchmen, regal fiscalization (use and expropriation) of ecclesiastical revenues, and the benefice system as royal patrimony were products negotiated between the king and powerful lords, many of them churchmen who established a tradition of loyalties and dependencies. Enrique II incorporated the ecclesiastical estate into his government with confessors, jurists, and bishops assuming positions in royal government. He took advantage of the precedent of ecclesiastical patronage and even gained the support of peninsular rulers and theologians. The church hierarchy became an integral part

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[2] For the thesis of municipal prosperity, see Casado Alonso, *Señores, mercaderes y campesinos*, 46. For the municipal contract between Enrique II and municipalities, see Julio Valdeón Baruque, *Enrique II de Castilla: la guerra civil y la consolidación del régimen, 1366–1371* (Valladolid: Universidad de Valladolid, 1966).

[3] For analysis of the relation between the monarchy and the Cortes in the fourteenth century, see Julio Valdeón Baruque, "Las cortes en tiempos de Pedro I y primeros Trastámaras," *Las cortes de Castilla y León en la Edad Media: actas de la primera etapa del congreso científico sobre la historia de las cortes de Castilla y León, Burgos, 30 de septiembre a 3 de octubre de 1986*, 2 vols. (Valladolid: Cortes de Castilla y León, 1988), 1:183–217. For the ascendance of the Cortes, especially after the reign of Juan I (r. 1379–1390), who began to convoke the Cortes solely for the *procuradores* of the cities and towns, excluding churchmen and aristocrats, see César Olivera Serrano, "Las Cortes en Castilla en el primer tercio del siglo XV," *Hispania* 47/166 (1987): 405–436. For the subsequent development of the Cortes as an instrument of municipal agendas, see Olivera Serrano, *Las Cortes de Castilla y León y la crisis del reino (1445–1474): el registro de Cortes* (Burgos: Congreso Internacional sobre la Historia de las Cortes de Castilla y León, 1986), especially chapter 13 regarding the city of Toledo during the reign of Juan II (r. 1406–1454).

[4] Note that churchmen played a critical role in the *comunero* revolt. For details, see chapter one, section 4, "The *Comunero* Revolt." For role of mendicants in the revolt, see Luis G. Alonso Getino, *Vida e ideario del maestro fray Pablo de León, verbo de las comunidades* (Salamanca: Establecimiento Tipográfico de Calatrava, 1935), especially chapter three.

of the royal system: prelates continually provided the intellectual weapons of Trastámara legitimization.[5] Monarchical involvement with, and appropriation of, ecclesiastical institutions and churchmen resulted in a compromise between Spanish kings and popes, especially during the conciliar era when ecclesiastical councils attempted to resolve questions about papal authority.[6] The Great Schism and especially its resolution provided an opportunity for the papacy and Castilian monarchs to settle their disputes; the 1418 concordat, in particular, perpetuated the extension of ecclesiastical privileges obtained by Castilian churchmen, with their tax exemptions and legal status.[7]

Enrique II's diplomatic efforts to encourage the Iberian kingdoms of Navarre and Portugal to support him allowed him the opportunity to concentrate on domestic policy.[8] Using propaganda appealing to the language of liberty, Enrique alienated many territories of the royal patrimony, selling proprietary lordships to his supporters in perpetuity. The Cortes became the central platform by which Enrique persuaded the representatives of the cities to side with him, luring them with territorial gains and privileges. After their loss in battle of Nájera (1367), Enrique and his party established concords with municipalities in northern Castile and the city of Toledo. Two years later, and certainly by the time of Enrique's victory at Montiel, where he murdered his half-brother, King Pedro of Castile, in March 1369, Enrique pursued a pacification program in accord with municipal plans. Enrique gave cities and nobles jurisdictional and proprietary control over lands. The policy of providing lordships resulted in a social transformation, establishing a loyal nobility and a protective system of royal towns and cities. Not only did a new noble class arise, but the cities also profited by receiving special concessions and tax privileges. The members of the Cortes that Enrique had convoked sold their loyalty and received

[5] For analysis of the political and religious system forged by Enrique II, see José Manuel Nieto Soria, *Iglesia y génesis del estado moderno en Castilla, 1369–1480*, Colección Historia Complutense, 1 (Madrid: Editorial Complutense, 1993).

[6] For the influence of conciliar principles in Spain, see Luis Suárez Fernández, *Castilla, el cisma y la crisis conciliar, 1378–1440* (Madrid: CSIC, 1960). For conciliar theory as part of the constitutional tradition, see Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church, 1300–1870* (New York: Oxford University Press, 2003).

[7] For the process of the integration of church and state mechanisms, see Nieto Soria, *Iglesia y genesis*.

[8] César Olivera Serrano, *Beatriz de Portugal: la pugna dinástica Avís-Trastámara* (Santiago de Compostela: CSIC, Xunta de Galicia, Instituto de Estudios Gallegos Padre Sarmiento, 2005), 59–67.

properties and inheritance privileges both perpetually linked to royal trusteeship.

The privilege of *mayorazgo*, a perpetual entailed estate of which the king was the trustee, was the glue that bonded the king and his subjects. These estates were hereditary and indivisible, unless abrogated by the king's application of absolute power. Enrique claimed absolute power in order to institutionalize or amend these grants of properties to supporters and municipalities.[9] These lordships had become stronger social and political entities, especially after the plague of 1348, which initiated the yearly recurrence of minor plagues and the cycle of major plagues every six to ten years. Such epidemics facilitated the reconstruction of communities in seignorial jurisdictions, as many families fled the large cities. The seignorial lordships of Castile, embodying the scattered jurisdictions in Galicia, Asturias, Badajoz, La Rioja, Cuenca, Murcia, the Guadalquivir river valley, and the concentrated domains along the Duero river valley, including the neighboring municipalities of Zamora, Salamanca, and Toledo, were dominated by a dozen or so noble families who owned the governments of these properties. These families acquired such lands because of intermarriage and real estate sales, but also through royal blessing; kings confirmed them as perpetual entailed trusts.

In 1385, in the battle against the Portuguese, Castile lost most of its nobility (only a handful of knights survived), and this devastation resulted in political disintegration. But Enrique III (r. 1390–1406) was as innovative as his grandfather; he continued the policy of municipal benevolence and promoted a new group of nobles by granting *mayorazgos*. The promotion of new nobility through grants and privileges was a key aspect of a vast repopulation program involving the reconstruction of communities under the guidance and supervision of this nobility. Enrique III and the regents of Juan II (r. 1406–1454) were able to rely on the powerful members of this newly created nobility, many of whom served in preeminent positions at court. They owned the governments of their towns and profited immensely from the establishment of new communities. Families with members who served in royal government aligned themselves to the will of the monarchical government. The service nobility gained the upper hand and formed a confederacy under Enrique III, especially in the regions of La Rioja, Andalusia, and the

[9] Dios, *Gracia, merced, y patronazgo real*, 71.

peripheries and frontiers of Murcia, Galicia, Aragon and Portugal. During the reign of Enrique III the royal promotion of noble families laid the foundations of a seignorial system and of hereditary lineages endowed with property privileges, tax exemptions, and jurisdictions and linked to the king's application of absolute power that legalized hereditary possessions.[10] Using his absolute power, Enrique III granted the patriarchs of powerful families privileges, allowing them preeminent positions in his court and providing them with land grants. This royal policy also included the charge of the military masterships.

In the generation following Enrique III, the aristocrats received yet another benefit from the monarchy: hereditary titles. Prior to 1439, nobles could inherit only the property, but not the office, of an estate. The titles of duke and marquis were adapted, and this new formulation of political power signified a dynamic social system in the creation. The humanists wrote eloquent dialogues and chronicles expressing the virtues of the new regime of entitled nobles and the evils of tyrannical kings, Pedro the Cruel (r. 1350–1369) being the most notorious example.[11]

In the second half of the fifteenth century, political instability provoked the intellectuals and humanists to support yet another illegitimate heir to the throne. The civil wars in 1474–1482 involved a struggle between two groups: the *alfonsine* faction that consisted of Castilian and Aragonese families, and the *enriqueños* who opted for an alliance with Portugal. The end result of this conflict was that Isabel of Castile (r. 1474–1504), the co-leader of the *alfonsine* faction, resolved the confrontation among the major land owners of the peninsula. She validated the rights of supportive magnates and extended political access to churchmen who had come to her rescue.[12]

Isabel's victory in 1474 was insufficient to justify her usurpation of the throne; such justification required the efforts of the humanists, who had been nurtured by the Trastámara dynasty.[13] Just as Pedro López

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[10] For details, see Emilio Mitre Fernandez, *Evolución de la nobleza en Castilla bajo Enrique III, 1369–1406* (Valladolid: Universidad de Valladolid, 1968).

[11] Helen Nader, *The Mendoza Family in the Spanish Renaissance, 1350 to 1550* (New Brunswick: Rutgers University Press, 1979), chapter three, "Pedro López de Ayala and the Formation of the Mendoza Attitudes."

[12] On Isabel's religious and political ideology, see Elizabeth A. Lehfeldt, "Ruling Sexuality: The Political Legitimacy of Isabel of Castile," *Renaissance Quarterly* 53 (2000): 31–56.

[13] Peggy Liss, "Isabel of Castile (1451–1504), her Self-Representation and its Context," in *Queenship and Political Power in Medieval and Early Modern Spain*, ed. Theresa Earenfight (Burlington: Ashgate Publishing Company, 2005), 120–144, 124–134.

de Ayala had produced a *laudatio* for Enrique II, Hernando del Pulgar praised Queen Isabel's virtuous responses to evil challenges. In Pulgar's chronicle, Isabel conquered the cruel forces of injustice and plunder, and she restored the lands devastated by criminals. The humanist program defended the crown by celebrating the importance of royal functions, praising the political activities of the Castilian monarchy. The contemporaneous source from which historians take their facts leaves no doubt that the reason for Isabel's ascension was the need for justice, order, and protection.[14]

Isabel violated Spanish law in order to consolidate her political power. She began to sell the lands owned by the cities of the reconquest. Previously, the cities of reconquered land had received special grants of ownership, but the contingencies of the time had forced a break with past arrangements. Once again the political deftness of the Trastámara mind invented a new way to generate loyalty and liquid assets. Throughout the peninsula thousands of newly-formed towns received grants of ownership; these small towns were no longer mere villages under the jurisdiction of their city overlords. Isabel liberated an entire society of villagers, for a price. This policy of *reducción* made Castile into a conglomeration of faithful supporters. Another violation of Spanish law, the *reducción* policy of selling the territory of cities to their dependent villages, led to a new level of political fragmentation and to a basis of popular loyalty from newly autonomous towns.

The Trastámara monarchs relied on the Cortes to negotiate royal revenues and to establish laws and institutions.[15] Institutions, such as the Council of Castile and the *audiencias* (which would find a permanent place of residence in Valladolid and Granada), facilitated judicial centralization.[16] During the early 15th century the Council of Castile,

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[14] For historical context, see Peggy Liss, *Isabel the Queen: Life and Times* (New York: Oxford University Press, 1992), 181–187; Tarsicio de Azcona, *Isabel la católica: estudio crítico de su vida y su reinado* (Madrid: BAC, 1964), 421–455, 450–451.

[15] See, for example, Juan I's alliance with the Cortes of Burgos, see Luis Suárez Fernández, *Historia del reinado de Juan I de Castilla*, 2 vols. (Madrid: Universidad Autónoma, 1977–1982), 1:27–29 (1977). This royal-municipal contract became critical for fiscal operations and economic restoration. For overview of municipal dependence on the Cortes, see Manuel González Jiménez, "Las cortes de Castilla y León y la organización municipal," in *Las cortes de Castilla y León en la Edad Media*, 2:349–375. For overview of the Cortes, see Joseph F. O'Callaghan, *The Cortes of Castile-León, 1188–1350* (Philadelphia: University of Pennsylvania Press, 1989).

[16] At the Cortes of 1385, Juan I reformed the judicial apparatus, establishing management mechanisms, the Council of Castile (*consejo*) and the *audiencia*. These organs

as an alliance of archbishops and graduates of canon law, became the prominent political institution.[17] Many of these ecclesiastics and canonists helped to legitimize the monarchy by means of propaganda; their rhetorical and symbolic activities included ceremonies, devotions, and theological treatises.[18]

The monarchs in consultation with the members of the Cortes, the *procuradores*, regularized the collection of taxes, subsidies, tithes, and the crusade indulgence. Since the thirteenth century, the crown had received incomes and taxes, and royal collection had become organized and efficient, based on the privilege of self-taxation.[19] The Habsburgs benefited greatly from a mature system of tax collection consisting of *converso* tax farmers, Spanish bankers, Genoese, and the Cortes. Taxes, such as the sales tax (*alcabala*), the head tax (the *pecho* that the Cortes managed and collected as the *servicio*), and the tithe, became regularized and fixed. There was no formal centralized institution directly responsible for tax collection, a structural gap that resulted in numerous imperfections; however, this did not prevent the crown from administering the levying of revenues and farming out its revenues. Royal tax collectors were thus part of the mechanisms the monarchy relied on to collect from royal, ecclesiastical and seignorial jurisdictions.

Political instability returned, however, at the end of the Trastámara dynasty, as Isabel's death in 1504 ushered in over a decade of municipal conflicts and factions.[20] Isabel stipulated in her will that her daughter Juana (1479–1555) would inherit all of her kingdoms and lordships, but that if Juana proved incapable of governing, her father, Fernando of Aragon (r. 1479–1516), was to govern the kingdoms of Castile. With his vast experience, Isabel declared, Fernando was a true leader, guided by the common good. Isabel made it known that Juana's son

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were appendages of the monarchy, not fixed institutions. For details, see María Antonia Varona Garcia *La chancilleria de Valladolid en el reinado de los Reyes Católicos* (Valladolid: Universidad de Valladolid, 1981), 40–41; Suárez Fernández, *Historia del reinado de Juan I de Castilla*, 1:229–230.

[17] The Council of Castile was established in the 1385 Cortes of Valladolid. See Luis Suárez Fernández, *Nobleza y monarquía* (Valladolid: Universidad de Valladolid, 1959). But he adds that the Cortes later decayed as a state apparatus (65–66).

[18] José Manuel Nieto Soria, *Fundamentos ideológicos del poder real en Castilla (siglos XII–XVI)* (Madrid: EUDEMA, 1988).

[19] Miguel Angel Ladero Quesada, *Fiscalidad y poder real en Castilla, 1252–1369* (Madrid: Editorial Complutense, 1993).

[20] On the struggles between nobles over municipal offices, see Danvila, *Historia de las communidades*, 35:129–136, 135.

Charles (1500–1558) would have to be at least twenty years old before he could govern the kingdoms of Spain. Immediately after Isabel's death in 1504, Fernando of Aragon clashed with Queen Juana's husband, Philip I of Burgundy (1478–1506), and was forced out of Spain. Fernando fled to his kingdom of Naples, but returned at Philip's death in 1506 and ruled in the name of Juana until his own death in 1516. A significant sector of the realm did not want Charles to rule; this included Fernando, who unwillingly had to rescind his original wish to name Charles's brother, Ferdinand (1503–1564), as his heir. Ever since the Trastámara revolution in 1369, the question of the succession was a perennial stumbling block. Almost every Trastámara monarch had to find ways to legitimize his or her rule; and Charles, the Habsburg successor, was no different.

The House of Burgundy and Politics of Patronage

Charles inherited a medieval tradition of royal power that had been articulated by Spanish monarchs and city representatives (*procuradores*) to the sessions of the Cortes.[21] The Cortes offered true legitimacy to a king's reign.[22] Royal power existed as a relationship between the crown and the cities, and so any change in the use (and misuse) of this power would be felt at all levels. For the cities, the power of the king was not solely about his prowess or his capacity to win a war. His power was

[21] For parliament origins, see John F. O'Callaghan, "The beginnings of the Cortes of León-Castile," *American Historical Review* 74 (1969): 1503–1537; Evelyn S. Procter, *Curia and Cortes in Leon and Castile, 1072–1295* (Cambridge: Cambridge University Press, 1980). For scholarly review of the Spanish Cortes, see Alfonso García-Gallo, "La historiografía sobre las cortes de Castilla y León," in *Las cortes de Castilla y León en la Edad Media*, 1:125–146. For late medieval developments, see Salustiano de Dios, "La evolución de las cortes de Castilla durante el siglo XV," in *Realidad e imágines del poder: España a fines de la Edad Media*, ed. Adeline Rucquoi (Valladolid: Ambito, 1988), 137–169; Vladimir Piskorskiĭ, *Las cortes de Castilla en el período de tránsito de la Edad Media a la moderna, 1188–1520* (Barcelona: El Albir, 1977). For theoretical perspective, see Leonard Krieger, "The Idea of Authority in the West," *American Historical Review* 82 (1977): 249–270. For the Cortes during Charles' reign, see José Martínez Cardós, *Carlos V y las cortes de Castilla: ponencia* (Madrid: Ciudad Universitaria, Madrid, III Congreso de Cooperación Intelectual, Instituto de Cultura Hispánica, 1958).

[22] On the role of the Cortes as the legitimizing factor of royal authority, having the authority to acclaim the monarch, see Teofilo F. Ruiz, "Unsacred Monarchy: The Kings of Castile in the Late Middle Ages," in *Rites of Power: Symbolism, Ritual and Politics since the Middle Ages*, ed. Sean Wilentz (Philadelphia: University of Pennsylvania Press, 1999), 109–144, 119, 123.

judicial, and his performance of judicial duties justified the application of royal power. Charles also inherited a fiscal administration built up by the dukes of Burgundy (1363–1477) who governed a complex blend of regional representative institutions and local governments that were both highly resistant to the demands of their overlords.[23]

At the time of Charles' arrival in Spain in 1517, the political climate was unsettled due to the fact that Habsburg-Burgundian claim to rule Spain had been a contested one ever since the rule of Philip I (r. 1504–1506).[24] Philip I was the son of Emperor Maximilian I (1459–1519) and Mary of Burgundy (1457–1482). Maximilian and Mary also had a daughter, Margaret of Austria (1480–1530), who raised Charles.[25] When Philip married the Spanish princess, Juana, in 1497, the Habsburg and Trastámara dynasties merged. Philip and Juana had six children: Eleonor (1498–1558), Charles (1500–1558), Isabel (1501–1526), Ferdinand (1503–1564), María (1505–1558), and Catalina (1507–1578). In the winter of 1501–1502, Juana and Philip went to Spain in order to meet with the representative of the cities and towns of the Cortes.[26] In May 1502, the Cortes assembly and the Catholic Monarchs recognized Philip and Juana as heirs to the Castilian crown, and in October the Aragonese Cortes, meeting in Zaragoza, confirmed Juana and Philip as heirs to the jurisdictions of Aragon and the principality of Catalonia.[27] After they had received this affirmation from the Spanish parliaments, Philip left for Flanders, while Juana, pregnant with Ferdinand, stayed in Spain. Philip wanted to secure an alliance with Louis XII of France (r. 1498–1515), which went against the wishes of King Fernando of Aragon who had had a battle with Louis over the

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[23] Tracy, *Emperor Charles V*, 68–76.

[24] For analysis of the division between the *felipistas* (supporters of Philip I) and *fernandistas* (Fernando of Aragon's alliance), see José Martínez Millán, "De la muerte del príncipe Juan al fallecimiento de Felipe el Hermoso (1497–1506)," in *La corte de Carlos V*, ed. José Martínez Millán, 5 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos I, 2000), 1:45–72, especially, 63–72.

[25] Jane de Iongh, *Margaret of Austria, Regent of the Netherlands*, trans. M.D. Herbert Norton (New York: Norton, 1953), 141–142. For correspondence between Margaret and Maximilian regarding the education and upbringing of Charles, see André Joseph Ghislain Le Glay, ed., *Correspondance de l'empereur Maximilien I^er^ et de Marguerite d'Autriche* (Paris: J. Renouard et cie, 1839), 241–242, 267–268 (Maximilian to Margarite, Augsburg, Feb. 1509; Maximilian to Margaret, Augsburg, 21 May 1510).

[26] Pedro Mexía, *Historia del emperador Carlos V*, ed. Juan de Mata Carriazo, Colección de Crónicas Españolas, 7 (Madrid: Espasa-Calpe, 1945; 1530?), 20.

[27] Jean-Marie Cauchies, *Philippe Le Beau: le dernier duc de Bourgogne* (Turnhout: Brepols, 2003), 139.

kingdom of Naples. Philip then went to Malines to see his children, while Juana gave birth to Ferdinand and was subsequently unable to leave Spain to be with her husband and children. When Juana's mental state deteriorated, Isabel of Castile reluctantly allowed Juana to depart in May 1504 for Brussels to be with her husband and three children in the custody of Margaret. When Isabel died on 26 November 1504, Juana became the queen of Castile. King Fernando then convoked a session of the Cortes to be held in Toro on 11 January 1505, where he and the *procuradores* declared that Juana was to rule as queen only if she was mentally capable. In effect, Fernando was to be the de facto ruler "por ligítimo curador, e administrador e governador" (Fernando knew well that Juana was not fit to rule).[28]

While the cities of the Cortes supported such a plan, which effectively barred Philip from ruling Spain, a large aristocratic faction wanted Philip to govern Spain.[29] The dukes of Béjar and Medina Sidonia, the marquis of Villena, and the count of Benavente had all offered Philip military assistance.[30] King Fernando, who sought to convince Juana to abdicate, was unable to communicate with her. To prevent her father from influencing Juana, Philip incarcerated her.[31] Philip also ratified a treaty with Ferdinand's enemy, Louis XII, which established that Louis would receive the duchy of Milan if he supported Philip in a war against King Fernando. Meanwhile Philip was fighting a revolt in Güelders, so he had to be careful not to spark a confrontation with Fernando. Philip then made a pact with Louis XII and his own father, Maximilian, and this alliance compelled King Fernando to

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[28] AGS, Patronato Real, leg. 69, fol. 34, "La suma de los autos que fisieron los procuradores."

[29] For the *felipista* alliance, see the letter of Gómez de Fuensalisa to King Fernando, Antwerp, 2 May 1505, Gutierre Gómez de Fuensalida, *Correspondencia de Gutierre Gómez de Fuensalida: Embajador en Alemania, Flandes é Inglaterra (1496–1509)* (Madrid: Duque de Berwick y de Alba, 1907) 348–352, 350. For Spanish support of Philip, see CODOIN, 113 vols. (Nendeln: Kraus Reprint, 1964–1975; 1842–1895), 8:135–136. For analysis, see José Martínez Millán, "De la muerte del príncipe Juan al fallecimiento de Felipe el Hermoso (1497–1506)," in *La corte de Carlos V*, 1:65–66. For the *fernandistas* who were *procuradores*, see José M. Doussinague, *Fernando el Católico y Germana de Foix; un matrimonio por razón de estado* (Madrid: Espasa-Calpe, 1944), 65, 82, 83.

[30] Mexía, *Historia del emperador*, 32; Cauchies, *Philippe Le Beau*, 164; Rogelio Pérez Bustamante and José Manuel Calderón Ortega, *Felipe I (1506)*, Colección Corona de España, Serie Reyes de Castilla y León, 14 (Palencia: Editorial La Olmeda, 1996), 116.

[31] Jerónimo Zurita, *Historia del rey don Hernando el católico: de las empresas y ligas de Italia*, ed. Ángel Canellas López, 5 vols. (Zaragoza: Departamiento de Educación y Cultura, 1994; 1580), 4:51.

negotiate.[32] The treaty of Salamanca (1505) stated that all three monarchs (Fernando, Philip, and Juana) would share royal revenues and the power to appoint.[33] In April 1506, Juana and Philip arrived in Spain, and once there Philip nullified the treaty of Salamanca, claiming the authority to rule Castile, to appoint non-Spaniards to Castilian offices, and to empower a handful of Spanish clans.[34] With the treaty of Villafáfila, Philip demonstrated his ambition to rule; he forced Fernando to depart for Aragon (Fernando later departed for Naples), having granted him as compensation the revenues from the masterships of the military orders.[35]

One of the lingering consequences of Philip's political victory over Fernando was that the cities of Castile did not accept Philip's claim to rule without the corresponding authority of Juana.[36] In the words of Charles' official chronicler, Alonso de Santa Cruz, Philip proceeded to grant *mercedes* to foreigners and a handful of nobles, such as Juan Manuel and his *criados* and *flamencos*.[37] At the 1506 sessions of the Cortes held in Valladolid, the *procuradores* met with Juana, and they confirmed Juana to be the queen, Philip the king consort, and Charles the heir, but they stipulated that Philip must not appoint foreigners to executive and judicial offices and must not provide these offices and incomes to the rich and powerful (*personas poderosas*).[38] The *procuradores* were especially upset that the *flamencos* killed *gente de Castilla* and "hacían muchas afrentas, no aviendo para los flamencos tanta justicia como para los castellanos."[39] Philip was unable to obtain an increase in royal revenues,

[32] Gómez Fuensalida to King Fernando, Brussels, 16 Feb. 1505, Gómez de Fuensalida, *Correspondencia de Gutierre Gómez de Fuensalida*, 329–331, 330.

[33] AGS, Patronato Real, leg. 56, fol. 19, Salamanca, 24 Nov. 1505, "concordia entre Fernando y Felipe."

[34] Gómez Fuensalida to King Fernando, Antwerp, 2 May 1505, Gómez de Fuensalida, *Correspondencia de Gutierre Gómez de Fuensalida*, 348–353, 350; Cauchies, *Philippe Le Beau*, 199–200.

[35] Alonso de Santa Cruz, *Crónica de los Reyes Católicos*, ed. Juan de Mata Carriazo, 2 vols. (Seville: Publicaciones de la Escuela de Estudios hispano-americanos de Sevilla, 1951; 1551), 2:44–53.

[36] For analysis of this period, see Juan Manuel Carretero Zamora, *Cortes, monarquía, ciudades: las cortes de Castilla a comienzos de la época moderna (1476–1515)* (Madrid: Siglo Veintiuno Editores, 1988), 204–215.

[37] *Crónica de los Reyes Católicos*, 2:56–57.

[38] *Actas de las cortes de Castilla*, 4 vols. (Madrid: RAH, 1862–1982), Cortes de Valladolid, 1506, petition 9, 4:226.

[39] Santa Cruz, *Crónica de los Reyes Católicos*, 2:56–57.

so he resorted to the sale of offices.[40] In 1506 Philip died, leaving his wife, Juana, on the throne. Her mental instability prevented her from ruling effectively. As a result, Fernando led a regency between 1506 and 1516, a transitional period marked by divisions between those who supported Charles and those who wagered on the rule of Ferdinand, Charles' Spanish-raised brother.[41]

The Arrival of Charles in Spain

On September 20, 1517, Charles of Ghent landed in Spain for the first time (see Table 1).[42] Having surmounted the mountains of Asturias and crossed the wheat-growing plains of Old Castile, he went downstream on the Pisuerga River to the heart of Castile. From Valladolid, on December 12, 1517, Charles sent letters to the city councils notifying them of the convocation of the Cortes, the eighteen of the most powerful republics, in order to confirm Charles as the constitutional monarch.[43] On February 17, 1518, Charles addressed the *procuradores* of the Cortes, where he requested a subsidy of 544,000 ducats.[44]

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[40] Prudencio de Sandoval, *Historia de la vida y hechos del emperador Carlos V*, 3 vols. (80–82), BAE, 80–82 (Madrid: Ediciones Atlas, 1955–1956; 1604), 80:29.

[41] On Ferdinand of Austria as a Spanish rival, see Ramón González Navarro, *Fernando I (1503–1564): un emperador español en el Sacro Imperio* (Madrid: Editorial Alpuerto, 2003); Friedrich Edelmayer, "El hermano expulsado: don Fernando," *Torre de los Lujanes* 39 (June 1999): 147–161.

[42] For Charles' itinerary, see Manuel de Foronda y Aguilera, *Estancias y viajes del emperador Carlos V desde el día de su nacimiento hasta el de su muerte* (Madrid: Sucesores de Rivadeneyra, 1914). For Charles' expedition of 1517, see Lorenzo Vital, *Relación del primer viaje de Carlos V a España*, trans. Bernabe Herrero (Madrid: Estades, 1958; 1518?).

[43] AGS, Patronato Real, Juramentos, leg. 7, fols. 209–243, Valladolid, 9 Dec. 1517, "cédulas reales por la cuales se manda a las ciudades nombren y envien a las Cortes procuradores para jurar al emperador Carlos V como rey de España."

[44] AGS, Patronato Real, leg. 7, fol. 158, Feb. 1518, "juramento que hicieron en Cortes al rey don Carlos V los infantes, prelados, grandes, caballeros, y procuradores del reino"; Vital, *Relación del primer viaje*, 313–322. For the amount to 204 million *maravedís* for three years, see AGS, Estado, leg. 5, fol. 44; Hendricks, *Charles V and the Cortes of Castile*, 220, table 1. For yearly *alcabala* and *servicio* amounts and other incomes that Charles received, see Laiglesia, *Estudios históricos* (1918), 2:110–111.

A Castilian ducat was worth 375 *maravedís*. A *real* was a silver coin worth 34 *maravedís*. A *peso* was worth 1.375 ducats or 450 *maravedís*. A *castellano* was 490 *maravedís* and a *marco* 50 *castellanos*. An *escudo* was valued at 350 *maravedís*. A *cuento* equaled one million *maravedís*. In Castile, the *maravedí* was the smallest unit of money of account. A *sueldo* was an Aragonese measurement of silver of about 1/20 of a pound or *libra* (twelve ounces). A *libra* was an Aragon ducat. For Spanish coins, see Octavio Gil Farrés, *Historia de la moneda española* (Madrid: Apartado, 1976; 1959).

When Charles asked for money he opened a Pandora's box. For most Castilian cities, the issue was not as simple as allowing Charles and his Burgundian regime to exert a political and economic influence in excess of their numbers, regardless of how important they were. In 1518 Charles got the *procuradores* of the Cortes to acclaim him, but the *procuradores* made it clear that Charles ruled together with his mother, "the very high and very powerful Queen Juana."[45] This condition of co-rule had roots in the regency struggles that followed the death of Queen Isabel in 1504. Charles was perhaps too deferential to consider the poor record of his father, Philip I, who clashed, as noted above, with Fernando of Aragon between 1505 and 1506.[46] This inheritance struggle between Charles and Fernando (who preferred Ferdinand, Charles' brother) subsequently compromised the Burgundian claim; but it did not prevent Charles from assuming the crowns of Spain. In 1518 the *procuradores* of the Cortes were *fernandistas*, because they supported Fernando when he was alive and now regarded his daughter, Queen Juana, as the undisputed monarch, although even her parents regarded her as insane. When Charles asked and received municipal subsidies, he was put on probation by the cities, and hence all royal decrees had to have Juana's name. As the *procuradores*' petitions testify, they were well educated in the history of the monarchy; they knew about the scores of civil wars, ousted claimants and kings and queens confirmed by the cities.[47] Charles was obliged to act within the constitutions prescribed by the cities and their parliamentary accords. A foreigner, Charles had to transform himself into a Spanish constitutional king in order to earn municipal-based revenues. But he did not come to Spain to deal directly with the cities' demands; that would take years. Changing his court would have been devilishly difficult and forging a new administration even more so. Thus, while he was in Valladolid attending the sessions of the Cortes in 1518, Charles made no attempt to hispanicize his

[45] "Que vuestra alteza como Rey que es de estos reinos de Castilla y de León y de Granada, juntamente con la muy alta e muy poderosa reina doña Juana," CODOIN, 2:335–337, 336.

[46] For the problematic reign of Philip I, see José Martínez Millán, "De la muerte del príncipe Juan al fallecimiento de Felipe el Hermoso, 1497–1506," in *La corte de Carlos V*, 1:45–72; Pérez-Bustamante and Calderón Ortega, *Felipe I*, 151–183.

[47] For the tumultuous history of the Trastámara dynasty, see Mitre Fernández, *Evolución de la nobleza en Castilla bajo Enrique II*; Valdeón Baruque, *Enrique II de Castilla*; Suárez Fernández, *Nobleza y monarquía*; For political analysis, see Rogelio Pérez-Bustamante, *El gobierno y la administración territorial de Castilla, 1230–1474*, Antiqua et Mediaevalia, 2/1–2, 2 vols. (Madrid: Universidad Autónoma Madrid, 1976).

court. Charles imported a gaggle of Burgundians to Spain, installing this regime to confiscate Spanish assets; his reputation on the peninsula, as a result, suffered immensely.[48]

According to the chronicler Prudencio de Sandoval, uprisings and conflicts had begun as soon as Fernando died in 1516, a fact that attests to the tensions in Castilian society caused by the conclusion of the Trastámara reign and the return of a disputed dynasty.[49] The *procuradores* of the cities and towns wanted a stable monarchy guided by the principles the Cortes had articulated over centuries and adapted to new circumstances for their monarchs. Now, however, they were faced with the possibility of a foreign regime that offered no solution other than another regency. Consequently, their stipulation that Queen Juana was their ruler offered them the possibility of a monarchy under the control and supervision of the cities, in case Charles did not reside in Spain.

In 1518 Charles limited the cities' options. He replaced Queen Juana's steward and appointed a reliable grandee to keep the queen in confinement.[50] The cities wanted Charles' brother, Ferdinand, to remain in Spain until Charles married the princess of Portugal.[51] But Charles was apprehensive about Ferdinand, who was followed by a contingent of supportive nobles.[52] The *fernandistas* thus had Ferdinand as their backup in the event that Charles failed to comply with their petitions, which included the requirement that Charles had to reside in Spain.[53] Charles evaded the *procuradores*' demand of keeping Ferdinand in Spain by saying that he would increase his brother's patrimony. A few months later, when Charles left Castile for Aragon, he met with

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[48] *Cartas del cardenal don fray Francisco Jiménez de Cisneros*, ed. Pascual Gayangos and Vicente de la Fuente (Madrid: Imprenta del Colegio de Sordo-Mudos y de Ciegos, 1867), Cisneros to Diego Lopez de Ayala, Madrid, 12 Dec. 1516, 183.

[49] "Luego que el rey murió comenzaron los bullicios, recelos, tratos doblados y desconfianzas en los corazones, aún de los que eran muy deudos, como siempre sucede cuando en un reino falta la cabeza," *Historia del emperador*, 80:67.

[50] For Juana's court, see the *relación* in AGS, Casas y Sitios Reales, leg. 35, fol. 28, Valladolid, 27 Feb. 1518. On Juana's new Steward, the marquis of Denia, see Estado, leg. 5, fols. 290–295; Estado, leg. 33, fol. 112; Sandoval, *Historia del emperador*, 80:132.

[51] Petition 3, CLC, 5 vols. (Madrid: RAH, 1861–1903), 4:262. On Ferdinand, see Sandoval, *Historia del emperador*, 80:72.

[52] For Charles' concern, see his letter to Cisneros and Adrian, Middleburg, 7 Sept. 1517, CDCV, ed. Manuel Fernández Álvarez, 5 vols. (Salamanca: Ediciones Universidad, 1973–1981), 1:75–78.

[53] Alonso de Santa Cruz, *Crónica del emperador Carlos V*, 4 vols. (Madrid: Imprenta del Patronato de Huérfanos, 1920–1925; 1550?), 1:93–95.

Ferdinand and ordered him to go to the Netherlands, which he did in May of 1518.[54] Charles followed in his father's footsteps by refusing to implement policies formulated by the *procuradores* to the Cortes.[55]

Charles had begun to rule while still in Flanders. In 1515 he sent his ambassador, Adrian of Utrecht, to Spain, because Fernando of Aragon was very sick and Charles wanted an important dignitary to begin the transition to a new government. Adrian was charged with the missions of both convincing Charles' brother to leave Spain and procuring the properties of the military orders.[56] After the death of Fernando, Charles confirmed the regency of the Council of Castile and Cardinal Cisneros, the archbishop of Toledo.[57] The regency that Fernando of Aragon had originally instituted was temporary, but this new government under Cisneros prepared the way for rule under the Burgundians by eliminating Charles' brother, Ferdinand, as regent of Spain.

Charles' plan was to keep the *fernandistas* at bay and the Council of Castile isolated. He relied on a small group of Spanish insiders who were critical for the acquisition of Spanish revenues. After he arrived in Spain, he did not incorporate the councilors of the Council of Castile into his *consejo de cámara*, or *consejo secreto*.[58] The *consejo secreto* consisted of Charles' closest Burgundian and Flemish advisors who kept their distance from the Council of Castile. Of the twenty-four commanders, lords, and knights of his *consejo secreto*, only six were Spaniards, all of whom had been in Flanders before Charles left for Spain in 1517.[59] In effect, Charles favored a few aristocrats from Spain while he reduced the influence of the Council of Castile on Spanish kings. When Charles was still in Flanders, he employed a number of Aragonese and Castilian

[54] Sandoval, *Historia del emperador*, 80:134–136. For Ferdinand's departure from Spain, see AGS, Estado, leg. 5, fol. 191, the marquis of Aguilar to Charles, 5 May 1518.

[55] For the continuity of the *fernandista* coalition against the Burgundian regime, see José Martínez Millán, "Las élites de poder durante el reinado de Carlos V a través de los miembros del consejo de inquisición, 1516–1558," *Hispania* 48 (1988): 103–167, 128 and 144.

[56] On Adrian's embassy to Spain regarding Ferdinand, see Sandoval, *Historia del emperador*, 80:60. On the *encomienda* transaction between Adrian and the archbishop of Toledo, see the archbishop's letter, Alcalá, 15 Jan. 1516, *Cartas Jiménez de Cisneros*, 97–100, 98.

[57] "Cédula del Príncipe Don Carlos," Brussels, 14 Feb. 1516, CODOIN, 2:305.

[58] Sandoval, *Historia del emperador*, 80:119–121, 121.

[59] Sandoval, *Historia del emperador*, 80:80.

secretaries;[60] men such as Francisco de los Cobos, Lope de Conchillos and Pedro de Quintana were vital to the economic interests of the Burgundian regime.[61] Charles used the vice-chancellor of the Americas, Secretary Cobos, to secure royal revenues from the Americas and the masterships of the military orders, which in 1520–1523 were the only revenues that Charles received from Spain.[62]

Charles could have employed several readily available strategies to integrate himself and his regime into Spain. A *fernandista*, the city representative of Burgos, Dr. Juan Zumel, spoke for the nation of Castile when he insisted that the Flemish prince had to prohibit foreigners and his Burgundian council from attending the sessions of the Cortes before they would acclaim him as their king. Zumel and the *procuradores* reminded Charles of his provisional status: "If one day the mental health of the queen, your mother, were to improve," they asserted, "you would have to give up your rule; that way only she would govern us."[63] The *fernandistas* told Charles that he was not the king they wanted, but that he was temporarily in charge of appointing only Spanish-born officials. Hence, Charles had to safeguard the petitions (*capítulos*) of the Cortes of Burgos (1511), in particular the stipulations that foreigners could not attend the Cortes and could not hold Castilian office.

Charles avoided the issue of his household and administration. He permitted his Flemish advisors to operate within Spain and did not consider making changes to his Burgundian and Flemish court by incorporating Spaniards.[64] Sandoval noted how Charles refused to use

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[60] José Antonio Escudero, *Los secretarios de estado y del despacho, 1474–1724*, Estudios de Historia de la Administración, 2, 3 vols. (Madrid: Instituto de Estudios Administrativos, 1969), 1:29, 52.

[61] Manuel Giménez Fernández, *Bartolomé de las Casas: capellán de S.M. Carlos I, poblador de Cumana, 1517–1523*, Escuela de Estudios Hispano-Americanos de Sevilla, 121, 2 vols. (Seville: Gráficas de Estudios Hispano-Americanos, 1960), 1:115–121; 2:39–40.

[62] For Cobos' command of the Indies' correspondence, see Escudero, *Los secretarios*, 1:55. On royal revenues for the years 1520–1522, see Carlos Javier de Carlos Morales, *Carlos V y el crédito de Castilla: el tesorero general Francisco Vargas y la hacienda real entre 1516 y 1524* (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II Carlos V, 2000), especially chapter three, "Años de turbulencias."

[63] For Dr. Zumel's protest and the reservations of the *procuradores*, see Bartolomé Leonardo de Argensola, *Anales de Aragon* (Zaragoza: Ivan de Lanaia, 1630), 454–458.

[64] For a description of the Burgundian and Flemish court that came to Spain in 1517, see Vital, *Relación del primer viaje*. According to Lucien Febvre, Charles' court consisted of a Burgundian majority: "dés 1517, les Bourguignons de conseil et d'épée pullulent dans l'entourage de souverain. Chambellans, penetiers, échansons, écuyers tranchants ou d'écurie, varlets servants, pages, fourriers, archers de corps…" (*Philippe II et la Franche-Comté: étude d'histoire politique, religieuse et sociale* [Paris: Honoré Champion,

his patronage power to benefit Spaniards.[65] Sandoval placed the blame on Charles' main Burgundian advisors, especially William of Croy, Lord of Chièvres. "Chièvres," Sandoval wrote, "sold everything saleable: privileges, offices, bishoprics, and benefices." The biggest prize was the archbishopric of Toledo, which Charles gave to Chièvres' teenage nephew as a front in order to draw its resources to himself for seven years.[66] Charles issued licenses of naturalization and gave foreigners Dr. Ludovico Marliano and Adrian of Utrecht the archbishoprics of Tuy and Tortosa respectively.[67] Adrian became the Inquisitor General of Aragon and Castile.[68] Charles granted Spanish fortresses to Flemish courtiers, giving the castle of Lara in Burgos, for instance, to Jofré de Cotannes.[69] Chièvres looked for more benefices to sell, and he received bids in the sale of the archbishopric of Seville.[70] Chièvres led the control of Spanish revenues by taking charge of the accounting office of expenditures (*contaduría mayor de cuentas*),[71] and by taking over the collection of the city subsidies, the royal income from the Americas, and the military masterships.[72]

While Chièvres confiscated Spanish assets, Mercurino Gattinara, the Piedmont advisor groomed in the court of Charles' paternal aunt,

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1912], 162–163). For a description of the Spanish minority in the Burgundian court, see Rafael Domínguez Casas, *Arte y etiqueta de los Reyes Católicos: artistas, residencias, jardines y bosques* (Madrid: Editorial Alpuerto, 1993), 169, 564–568; Gachard, *Collection des voyages des souverains des Pay-Bas*, 2:502–510. For an analysis and description of the Flemish and Burgundian court of 1518, see Carlos Javier de Carlos Morales, "La llegada de Carlos I y la división de la casa de Castilla," in *La corte de Carlos V*, 1:166–176.

[65] "…no juraría particularmente el capítulo que pedían en cuanto a no dar oficio ni beneficio a extranjero…" (Sandoval, *Historia del emperador*, 80:124).

[66] On Charles' usufruct of the Toledan church, see the letter of the cathedral chapter of Toledo to Charles, Toledo, 12 Nov. 1520, Danvila, *Historia de las comunidades*, 36:593–594, 593.

[67] AGS, Cámara de Castilla, Diversos de Castilla, lib. 2, fols. 7, 8 and 14; Pérez, *La revolución de las comunidades*, 122.

[68] Martínez Millán, "Las élites de poder durante el reinado del Carlos V a través de los miembros del consejo de inquisición," 105.

[69] AGS, Consejo Real, leg. 70, fol. 9; Danvila, *Historia de las comunidades*, 35:185. Cotannes was later killed by the comuneros in Burgos.

[70] Danvila, *Historia de las comunidades*, 35:179.

[71] "Anales del emperador Carlos V," *Papeles tocantes al emperador Carlos V*, BN, Madrid, ms. 1,751, fols. 1–85, fol. 33v; cited in Fernando Martínez Gil, *La ciudad inquieta: Toledo comunera, 1520–1522* (Toledo: Diputación Provincial de Toledo, 1993), 144.

[72] Cisneros to Diego López de Ayala, Madrid, 7 Sept. 1516, *Cartas Jiménez de Cisneros*, 176. For the financial deals between Chièvres, Gattinara, Spanish and Genoese bankers, and the Spanish Treasury, see Carlos Morales, *Carlos V y el crédito de Castilla*, 30–36.

Margaret of Austria and Savoy, attempted to centralize government.[73] Gattinara and Chièvres did not share similar foreign policies regarding France, a conflict that divided Charles' court. Gattinara wanted Charles to defend his Burgundian inheritance against the claims of Francis I of France, whereas Chièvres encouraged Charles to establish a lasting peace with France.[74] But at least they agreed on the importance of Castilian assets. Gattinara went further than Chièvres' propensity to select ecclesiastical targets; he wanted to preside over all of Charles' councils and hoped to have an influence over the royal decision of *merced* and privileges.[75]

Before Gattinara became Charles' grand chancellor, Jean Sauvage held this position and set the pace at which foreigners came to exercise authority over Castilian and Aragonese offices, especially those associated with the concession of graces and the supervision of royal revenues.[76] Sauvage had made good progress in claiming royal interests in the Indies trade.[77] For a couple of years, Sauvage presided over the Council of the Indies, but he was not interested in, nor qualified to handle, the Council of Indies' function as an appellate court. Sauvage was an executive officer ensuring that Charles got his royal fifth and that his clients received their cuts of American commerce. As Sauvage supervised American enterprises, resentments in Castile began to grow.

When Sauvage died in 1518, an internal faction developed. Gattinara shared the governance of American business with the secretary of Castilian affairs, Francisco de los Cobos. The butting of heads between Cobos and Gattinara reflected the continual antagonism that ensued until 1527, when Gattinara, as imperial chancellor, lost in his attempt to consolidate executive governance of the entire Habsburg

[73] On Gattinara's activity in the court of Margaret of Austria and Savoy, see Karl Brandi, *The Emperor Charles V: the Growth and Destiny of a Man and of a World-Empire*, trans. C.V. Wedgwood (New York: Alfred Knopf, 1939; 1937), 47; Ghislaine de Boom, *Marguerite d'Autriche-Savoie et la Pré-Renaissance* (Brussels: Librarie Falk Fils, 1935; Paris: Librairie Droz, 1935), 65–66.

[74] For discussion, see John M. Headley, *The Emperor and his Chancellor: A Study of the Imperial Chancellery under Gattinara*, Cambridge Studies in Early Modern History (Cambridge: Cambridge University Press, 1983), 55–56.

[75] Headley, *The Emperor and his Chancellor*, 21.

[76] "Que algunos oficios del reino y del consejo de cámara se vendieron por dineros que se dieron a este gran chanciller" (Sandoval, *Historia del emperador*, 80:109).

[77] Giménez Fernández, *Bartolomé de las Casas*, 2:90–92.

patrimony.[78] In 1518, however, Chancellor Gattinara was quick to see how Charles could gain a following by selling judicial offices to Spanish aristocrats. Gattinara succeeded in winning over members of the Spanish high nobility by selling Castilian *corregimientos* and judgeships to the grandees of Spain and their clients.[79]

Charles benefited from the fact that in 1518 the *procuradores* to the Cortes acclaimed him the king of Castile and León after he had promised to defend Spanish possessions.[80] Charles had travel expenses and Spanish war debts to pay off, so he needed a large subsidy, but he did not encounter much of a fight over money that was intended for Spain's own sovereignty.[81] Moreover, his request that the subsidy should be payable in three years instead of four was granted.[82] Communal financial support was critical, so Charles buttressed his campaign promise with an additional oath; he swore to uphold the laws of the Castilian kingdoms.[83] Demonstrating the fundamental goodwill that he intended at the time, Charles accepted without any hesitation the constitutional prerogatives of the cities. On February 2, 1518, when Charles and the *procuradores* were assembled at the College of San Gregorio in Valladolid, Charles' Spanish spokesman, Pedro Ruiz de la Mota, began the session with an address explaining what Charles planned to do. The king's motive, Mota claimed, was and always would be the defense and security of the cities' entitlements, privileges, and customs. Charles, he

[78] On Gattinara's role in the Council of the Indies, see Ernesto Shäffer, *El consejo real y supremo de las Indias: su historia, organización y labor administrativa hasta la terminación de la casa de Austria*, 2 vols., Universidad de Sevilla: Escuela de Estudios Hispano-Americanos, 28 (Sevilla: Imprentas M. Carmona, 1935–1947), 1:34–36. On Gattinara's battle with Cobos and his effort to impose the Imperial Chancery on the Spanish empire, see John M. Headley, "The Emperor and His Chancellor: Disputes over Empire, Administration and Pope (1519–1529)," in *Carlos V y la quiebra del humanismo político en Europa, 1530–1558, congreso internacional, Madrid, 3–6 julio 2000*, ed. José Martínez Millán, 4 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001), 1:21–35, 22; Headley, *The Emperor and his Chancellor*, 22–27, 38–39; Keniston, *Francisco de los Cobos*, 51–56.

[79] Sandoval, *Historia del emperador*, 80:193.

[80] CODOIN, 2:334, "juramento de Carlos."

[81] Francisco de Laiglesia, *Discursos leídos ante la Real Academia de la Historia* (Madrid: RAH, 1909); Hendricks, *Charles V and the Cortes*, 112.

[82] Hendricks, *Charles V and the Cortes*, 113.

[83] CLC, 4:260–263; Sandoval, *Historia del emperador*, 80:125; Juan Ginés de Sepúlveda, *Obras completas: Historia de Carlos V*, bilingual edition by E. Rodríguez Peregrina (Pozoblanco: Ayuntamiento de Pozoblanco, 1995; 1780), 39 [lib. 2, 8].

added, came to Spain in order to protect the liberties of the cities.[84] The city representatives applauded; they promised the money and the king pledged his reform.

The cities actually wanted royal intervention beyond the magnetic attraction of Spanish coins. They fully expected that the foreign king could successfully transplant himself to the soil of Spain, and anticipated that the pruning would be done according to Spanish custom. The cities laid out a clear statement of mutual responsibilities beginning with their preamble to the petitions:[85]

> First, just as you provide for yourself, you must sustain the communes, corporations, subjects, and vassals of this nation. As king, sovereign, and all-powerful lord, you will make good these provisions, as we will yours by necessity. And before all things, your omnipotent lordship, we want to bring to your immediate attention, that you were chosen and proclaimed king, which means that you must rule well, and if you do not govern well, but instead squander, you are not king nor can you be called one . . . the truth is that you are our mercenary, for which reason your subjects will provide richly with their sweat and profits, and they will offer themselves when they are called.[86]

In their overture, the *procuradores* associated the king's implementation of justice with their money. Kingship was not an automatic right permitting kings to draw from royal resources; kingship entailed responsibility. The *procuradores* were clear: Charles had to earn his income and his government had to provide justice.

The *procuradores* laid out the parameters of the administration of justice. Justice, they said, involved nothing less than the appointment of competent judges and implementing parliamentary resolutions, which included the routine of judicial audits. They advised Charles to transform the Council of Castile into a management committee of trained jurists, who would supervise the inspections of all lower courts.[87] Beginning with the Council of Castile, all royal appellate courts, including the judicial councils of the administration and the chanceries, had to be reformed.[88] They urged the king to enforce two-year terms for incoming

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[84] "Proposición leída el 9 de febrero por el señor don Pedro Ruiz de la Mota en las Cortes de Valladolid 1518," AGS, Patronato Real, Cortes, leg. 8, fol. 1.
[85] AGS, Patronato Real, leg. 70, fol. 51.
[86] CLC, 4:261.
[87] Petition 28, Sandoval, *Historia del emperador*, 80:130; CLC, 4, 1520 Cortes.
[88] Petition 24, Sandoval, *Historia del emperador*, 80:129–130; CLC, 4, 1520 Cortes.

corregidores followed by an audit of the outgoing *corregidor*.[89] Nor did the representatives' judicial reforms end at the management level: they also demanded new procedures. Claimants, for example, did not want their cases to be handled arbitrarily; the *procuradores* demanded that litigants have the freedom to select officials of their choice to adjudicate claims. The courts of the king, in sum, had to operate under specific guidelines articulated by the Cortes.

The composition of Charles' court was equally important to the city representatives, who wanted to see a Spanish court.[90] Charles, however, did not revoke the naturalizations that he had granted to his Flemish advisors, nor did he change the composition of his court by appointing Spanish *gentiles hombres* to serve as his personal military force.[91] He agreed to depend on Castilians as his bodyguards, but he did not appoint them.[92] During his first stay in Spain, Charles did not implement any of these policies.

The *procuradores* wanted government to intervene in a limited number of important ways: redemption of captured Christians (via privileges, exemptions, and donations), homes for orphans, assistance for poor and single women, and hospitals for victims of plague and other diseases. They also requested that Charles begin holding bi-weekly meetings (*consultas*) to address domestic matters. In these sittings, royal councilors were to negotiate tax exemptions for communities suffering from epidemics and famines. In other words, the *procuradores* gave Charles very little choice but to stay put in Spain, where he had to apply subsidies toward domestic ends. Charles decided to put these matters on hold.

Another group of petitions was protectionist and anti-papal.[93] During the early twenties, the *procuradores* were less inclined than the Habsburgs to cultivate alliances with Rome. The cities expected their king to defend them against ecclesiastical excesses by placing religious activities under royal control. The *procuradores* presented the example of Isabel *la católica*, pointing out to Charles that Isabel defended her patrimony, royal

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[89] Petition 34, Sandoval, *Historia del emperador*, 80:130; CLC, 4, 1520 Cortes.

[90] Petition 7, Sandoval, *Historia del emperador*, 80:128.

[91] Petition 12, Sandoval, *Historia del emperador*, 80:129.

[92] On November 1517 Lorenzo Vital noted the presence of Spanish 500 infantry soldiers led by Captain Espinosa and 50 horsemen under Captain Cabanillas (*Relación del primer viaje*, 227). I have not found evidence that Charles put the *monteros* on his payroll until his return to Spain in 1522.

[93] See petitions 39–59, Sandoval, *Historia del emperador*, 80:130–131; CLC, 4, 1520 Cortes.

cities and towns, against the worldly pretensions of the Roman church. Inquisitors must be appointed based on their integrity and reputation, and certainly not because of Roman patronage and political favors. The king must permit citizens the traditional freedom to choose whether they should conform to papal bulls and pay the crusade penny. The cities wanted their king to ensure that ecclesiastical judges were restricted to their proper jurisdictions. Charles was to curtail increases of the tithe and mandate episcopal residency, block the conflation of prebends, and prevent monasteries, chapters (both of whose members claimed papal exemptions) and confraternities from acquiring additional properties. The cities were concerned that the territorial increase of ecclesiastical lordships was detrimental to the integrity of the royal patrimony. Castilians wanted their king to take Castilian benefices away from the pontiff, force the pope to present Spaniards for vacancies of Spanish dignities, and stop ecclesiastical judges from granting pardons and exemptions to clerics. The king himself, they argued, must nominate the appropriate number of judges as well as mandate secular clerics to bring legal cases to the local ecclesiastical judge rather than claiming papal indemnity.

The cities held a territorial and fluid sense of their nation as being comprised of culturally linked kingdoms, and they expected Charles to defend it. The representatives of the Cortes informed Charles that Navarre was a hereditary component of the royal patrimony of Castile which had to be protected from French 'aggression,' and they promised their financial support in case the king had to commit Spanish forces against French armies.[94] But the Cortes also made it clear that the Habsburg treaties with Francis I of France, particularly those of Noyon, Brussels and Cambray, were of no concern to them.[95]

For Castilian cities and towns, stronger royal authority meant uniformity. The state was not a centralized government with federalist monopolies, but the monarchy was expected to standardize internal commerce in return for its tolls and taxes.[96] *Procuradores* wanted the

[94] Petition 60, Sandoval, *Historia del emperador*, 80:131. For a French perspective, see the diary of Martin du Bellay, *Mémoires de Martin et Guillaume du Bellay*, eds. V.L. Bourrilly and F. Vindry, 4 vols. (Paris: Librairie Renouard, 1908), 1:104–107, 104.

[95] For the 1518 Valladolid petitions, see CLC, 4:262–285.

[96] For the range of royal incomes based on duties and tolls, see Ramón Carande Thovar, *Carlos V y sus banqueros*, 3 vols. (Barcelona: Editorial Crítica, 1987; 1965–1967; 1943), 2:259–310; Miguel Angel Ladero Quesada, *La hacienda real de Castilla en el siglo XV*, Estudios de Historia, 1 (La Laguna: Universidad de La Laguna, 1973), 95–150.

security of reliable coinage, a strong ducat with lower coins pegged to it, and universal weights and measures, all based on the rigid standards set by Fernando and Isabel in 1471 and 1497.[97] Magistrates resented royal grants of tax exemption (*hidalguía*), because local economies benefited from a larger pool of taxpayers.[98] By giving royal officials the privilege of *hidalguía*, monarchs relieved outstanding payroll debts, but for the cities that provided annual *servicios* the per capita tax they collected would increase for the decreasing numbers of contributors. The *procuradores* asked the king to use his absolute power to revoke the privilege of tax exemption that had been granted to certain knights (*caballeros pardos*) by Cardinal Cisneros while he was regent. In short, the cities wanted their king to enforce their laws and to use his power to carry out their demands for justice.

Charles did not know that the cities were serious about the monarchical benefits they expected in return for their monetary allotment. Perhaps the cities demanded too much of a young man of eighteen with the burdens of kingship upon him; Charles found it difficult, initially at least, to adapt to a constitutional tradition in which the cities expected their demands to be executed in return for taxes and subsidies. Charles had been given notice that he must transform his administration, but he did not take the first step in overhauling the royal court system and did not order any audits. Instead, in March 1518, he went on a road trip to request funds from the Aragonese. Because he departed without making changes in his government and without implementing the reforms wanted by the Cortes, he tested the patience of the Castilian city councils.

In Aragon, Charles repeated the mistakes of his Castilian campaign. Pietro Martire di Anghiera, an Italian observer recruited by a humanist lord to educate his children, followed the Burgundian entourage and recorded festering resentments, revealing the extent to which Charles had alienated the kingdoms.[99] Although the crown of Castile had already

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[97] For the monetary reforms of 1471, see Pierre Chaunu, *La España de Carlos V: la coyuntura de un siglo*, trans. E. Riambau Saurí, 2 vols. (Barcelona: Ediciones Península, 1976; 1973), 2:27–36.

[98] Petition 61, Sandoval, *Historia del emperador*, 80:131. Santa Cruz detailed the *mercedes* that Charles had to restrict, especially the sale of *hidalguía* (*Crónica del emperador*, 1:314–317).

[99] For a brief summary of his activities in the court of Fernando of Aragon and the Flemish court of Charles V, see Carlos I. Salas, *Pedro Mártir de Anglería: estudio biográfico-bibliográfico* (Córdoba: Gráfico los Principios, 1917), 21–35. In the text I use the Italian

placed itself under the yoke of Charles, Aragon protected itself, Martire observed, by undercutting Charles' right of kingship.[100] Martire noted that the Aragonese initially refused to attend the Cortes, contending that Charles' order of convocation had no power, as he was merely the prince heir, not the king: Charles would not be their king as long as Queen Juana lived.[101] Even before Charles had time to argue his points in Zaragoza, the Aragonese took the first step toward the revolt of the *comuneros* in support of Juana.[102]

The Aragonese did not expect a resident king and court, but they knew Charles wanted money. Because Charles began his Spanish campaign in Castile, the Aragonese had sufficient time to learn a few things about the Burgundians and Flemings. The representatives (*diputados*) to the Aragonese Cortes prepared Charles for the test of just rule even before he departed from Castile. The *diputados* sent the vice-chancellor of the Council of Aragon, Antonio Agustín, on an embassy to Valladolid to tell Charles that, in view of the suspicions circulating about the Flemish court, the king had to rule Aragon as his predecessors had governed it.[103] As the Aragonese expected, Charles acquiesced. He agreed to improve the defense of the western Mediterranean, especially the Aragonese possessions taken from the Muslims and the French since the Sicilian Vespers.[104] Charles and his ministers promised to follow up on defensive policies, although this concession would diminish royal revenues. In his agreement with Aragon, Charles would seek to improve the commercial network of the Aragonese Mediterranean. The crown would also invest time and money reforming the court system as well as spending a large portion of the Flemish subsidy of 900,000 ducats

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form of his name. For Martire, "el importador del Renacimiento en Castilla," and the count of Tendilla, see Helen Nader, *Power and Gender in Renaissance Spain: Eight Women of the Mendoza Family, 1450–1650* (Urbana: University of Illinois Press, 2004), 12.

[100] Martire to the marquis of Mondéjar and the marquis of los Vélez, Valladolid, 23 Nov. 1517, *Opera: opus epistolarum* (Graz: Akademische Druck- u. Verlagsanstalt, 1966), 573.

[101] Martire the marquis of Mondéjar and the marquis of los Vélez, Valladolid, 30 Dec. 1517, *Opus epistolarum*, 572.

[102] "Juravit rex servaturum se patrias eorum leges et instituta. Regem nondum ipsi appellant. An, vivente matre, rex debeat nuncupari, adhuc dubitant, dubitabuntque donec per universa totius regni comitia censeatur" (Martire to the marquis of los Vélez, Zaragoza, 19 May 1518, *Opus epistolarum*, 579).

[103] Argensola, *Anales de Aragon*, 475.

[104] García Cárcel, *Las germanías*, 97.

in Aragon.[105] In effect, the Aragonese people told Charles that they were not going to subsidize his campaign or provide free lodging, and insisted that Charles spend money in Aragon. Once Charles arrived in Zaragoza, the Aragonese did not care to extend his visit. Wheat prices soon rose there, forcing Charles to abandon the Cortes and to convoke the Catalan *Corts* to be held in Barcelona on October 2, 1518.[106]

The Catalans were even more tight-fisted. If there was poverty in Spain, there was even more in Catalonia. The Catalans were too poor even to defend themselves. Since the fourteenth century, when plagues and economic crises had wiped out their entrepreneurial prosperity, the Catalans were vulnerable to piracy and continually required the military assistance of their neighbors. At the same time, the Catalans were as proud as the Aragonese.[107] The Burgundians may have felt a sense of responsibility for their well-being; or perhaps they only pretended to show pity. At any rate, the parliament of thirty-one towns obtained a royal promise of 7,000 ducats that would go toward the rigging of four galleys to defend their coast from Muslim raids.[108]

Continuing his mission of borrowing, Charles next visited Valencia. By this time he had learned that he won the imperial election on June 28, 1519, but, skeptical of his intentions, the Valencians did not celebrate. "Spain is free," the Valencians said, "benefiting from its privileges, but under the imperial title, which is puffed-up ambition and wasted air, it will become a wretched place." Forecasting that Charles' foreign policies would bring further economic depression, the Valencians nudged Charles to change his approach, by telling him literally to leave them alone. Their concern was not that the Burgundian regime would adversely affect their local affairs, but rather that Charles' conflicts with Francis I and the Italian city-states and his responsibilities in the German empire would result in the continual exploitation of Spanish

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[105] Argensola, *Anales de Aragon*, 508–510. The Flemish grant of 800,000 *coronas* was for three years. A *corona de oro* was equivalent to the escudo, which equaled 426 *maravedis*.

[106] Martire noted the termination of the Cortes in Zaragoza with a grain shortage and wheat embargo (Zaragoza, 13 Aug. 1518, *Opus epistolarum*, 582).

[107] Víctor Balaguer, *Historia de Cataluña y de la corona de Aragón*, 4 vols. (Barcelona: Librería de Salvador Manero, 1863), 4:13: "Los celosos catalanes oponían obstáculos en admitir a don Carlos." For the Catalan *greuges* (grievances) and obstinacy, see two letters of Martire to the marquis of Mondéjar and the marquis of los Vélez, Barcelona, 20 July 1519 and 29 July 1519, *Opus epistolarum*, 591–592.

[108] Jaume Carrera y Pujal, *Historia política y económica de Cataluña, XVI–XVIII* (Barcelona: Bosch, 1947), 91. The three *braços* consisted of the *eclesiástico, militar* and *reial*.

resources. For them, the imperial title was insignificant and impoverished, and would not improve their economic condition. "Why should we congratulate the king," they added, "when his imperial revenues amount to a trifling amount?"[109] For all their complaints, however, the principality of Catalonia and the kingdoms of Aragon and Valencia were sympathetic to Charles' need for money. In the end, Aragon, Barcelona, and Valencia voted to give him subsidies.[110] It appeared at the time that Charles could at least count on his Spanish vassals for verbal support and the promise of future municipal taxes and subsidies. Whether Charles' tax farmers would be able to collect was an altogether different matter.[111]

Charles' victory in the imperial election led to new schemes that further antagonized the kingdoms and crowns of Spain, especially Castile. Even before he was elected, Charles was in debt.[112] Two years later, in 1520, Charles' financial situation further deteriorated; there

[109] On the *Valencianos*, see the letters of Martire to Gattinara and Dr. Marliano, Valencia, 13 Dec. 1519, *Opus epistolarum*, 593–594; especially Martire to Gattinara, Valencia, 13 Feb. 1520, *Opus epistolarum*, 598: "Hispaniam inquiunt que libera erat et suis fruebatur prerogativis, sub titulis imperialibus in provincialem calamitatem esse vertendam. Turgentem appellant ambitionem et inanem ventum imperiale nomen. Ad quid nostro Regi gratulabimur, si tam exigui sunt redditus imperiales. . . ."

[110] García Cárcel, *Las germanías*, 97.

[111] In 1518 the *servicios* approved by the cities of Aragon, Catalonia, and Valencia amounted to 200,000 *libras* (68,182,000 *maravedís*), 300,000 (93,750,000), and 100,000 (35,715,000) respectively. After 1528, Charles received a yearly average of 7,320,259 *maravedís* from these regions. I do not know whether Charles received any subsidies from Aragon, Catalonia, and Valencia between 1518 and 1528, nor does Laiglesia refer to subsidies prior to 1528. For these kingdoms I use the estimates in Laiglesia, "Servicios de Aragon, Cataluña, y Valencia," *Estudios históricos, 1515–1555*, 3 vols. (Madrid: Asilo de Huérfanos, 1908), 2:250–252. In the second edition (*Estudios históricos, 1515–1555*, 3 vols. [Madrid: Imprenta Clásica Española, 1918–1919], 2:103–104), the figures are slightly different: 300,000 *libras* (93, 600,000 *maravedís*) granted by Catalonia, 200,000 (68,000,000 mrs.) by Aragon and 100,000 (35,700,000 mrs.) by Valencia. Argensola provides the sum of 200,000 *escudos* granted by the crown of Aragon at the Cortes of Zaragoza in 1518; the Cortes of Valladolid granted Charles 200 *cuentos* (*Anales de Aragon*, 588, 478). Balaguer argued that the principality of Catalonia granted Charles a subsidy of 250,000 *libras* (*Historia de Cataluña*, 4:16). Brandi's figures are 200,000 Aragonese ducats and 100,000 ducats voted by the Catalans (*The Emperor Charles V*, 89).

[112] For his journey to Spain in 1517, Charles had borrowed from Henry VIII of England. See the following letters: Charles to Henry VIII, Middleburgh, 18 July 1517 (100,000 gold florins); Charles to Henry VIII, Middleburgh, 24 July 1517 (40,000 gold nobles); and Charles to Henry VIII, Middleburgh, 21 Aug. 1517 (40,000 angel nobles), in CSP, Spain, ed. G.A. Bergenroth et al., 13 vols. (Nendeln: Krauss Reprint, 1969–1978; 1877), 2:287ff.

was the matter of paying the imperial electors.[113] Additionally, Charles had to get money in order to counter the French advance, which was due in part to the impasse of the treaty of Noyon.[114] At stake was Navarre, 100,000 ducats that Charles had to pay Francis I each year, and Charles' promise to marry a French princess. After his election as emperor, Charles faced the possibility of a military alliance between Henry VIII and Francis I.[115] Charles decided to resolve these dynastic complications by forging a peace with England. Charles traveled straight to the Galician coast, where he planned to acquire additional funds from Castile and set sail for England to settle a treaty with Henry VIII, his uncle and lender.

Charles ordered the *procuradores* of the Castilian Cortes to meet in Santiago de Compostela in order to change the tax code. The method of *encabezamiento* was established by Isabel in 1495 and confirmed by Fernando in 1512. It was the municipal privilege of collecting their own taxes that only the cities had enjoyed, but Charles decided to put an end to it.[116] The count of Palma tried to convince Charles to give an audience to the *procuradores* of Toledo regarding the continuation of the *encabezamiento* accord, but to no avail.[117] Charles accepted bids from tax farmers without the consent of the cities.[118] He then compelled the cities of Castile to begin a new cycle of subsidy payments (*servicios*), which amounted to an allowance of 400,000 ducats.[119] In

[113] For the cost of the imperial election, see Henry J. Cohn, "Did Bribes Induce the German Electors to Choose Charles V as Emperor in 1519," *German History* 19 (2001): 1–27, 23; Federico Chabod, "Carlos V y su Imperio," in *Carlos V y su Imperio*, trans. Rodrigo Ruza (Madrid: Fondo de Cultura Económica, 1992; 1940), 11–188, 93–98; Kohler, *Carlos V*, 67. For details about reimbursements and encumbrance of royal revenues to cover the range of imperial costs, both covering the election and travel costs, see Carande, *Carlos V y sus banqueros*, 3:42–49. For a collection of the contracts between Treasurer Vargas and the German bankers, "Jacobo Fucar y sus sobrinos," see AGS, Estado, leg. 8, fol. 260, Vargas to Charles, Burgos, 5 Oct. 1521.

[114] For the Treaty of Noyon documents, see TIE, ed. Antonio Truyol y Serra et al., 6 vols. to date (Madrid: CSIC, 1978–), 3/2:77–164; Sandoval, *Historia del emperador*, 80:105–106.

[115] Santa Cruz, *Crónica del emperador*, 1:221; Sandoval, *Historia del emperador*, 80:147–148.

[116] Petition 11, CLC, 4:239–240; Carande, *Carlos V y sus banqueros*, 2:231.

[117] AGS, Estado, leg. 9, fol. 149, the count of Palma to Charles, Toledo, 1519?

[118] Sandoval, *Historia del emperador*, 80:151; Santa Cruz, *Crónica del emperador*, 1:229–301. For a short account of tax farmers during the years 1518–1522, see Hermann Kellenbenz, *Los Fugger en España y Portugal hasta 1560*, trans. Manuel Prieto Vilas (Salamanca: Junta de Castilla y León, 2000; 1990), 73–80.

[119] Santa Cruz, *Crónica del emperador*, 1:217–221, 219.

short, Charles eliminated two prerogatives that the cities had gained from their previous monarchs: to collect their own taxes and to decide the amount and frequency of annual subsidies.

Charles also took away another privilege: he eliminated tax exemptions to *hidalgos*, requiring them to pay their share of what their respective cities had to contribute to the annual *servicio* payment. Many *hidalgos* soon took to the streets. Juan Padilla, one of the *hidalgo procuradores* of Toledo, objected to this change as unlawful and reminded the Burgundians that even though previous Spanish kings would have been more justified than Charles in taxing *hidalgos*, they would never have considered ending *hidalgo* exemptions.[120] Given Charles' poor record of adapting himself to Spanish traditions and laws, this assault was almost the last straw.

Charles did not discriminate against the estates; he offended urban elites, farmers, nobles, and clerics alike. As he planned to leave Spain for England, Charles found ways to take ecclesiastical wealth too. In particular, he now required the cathedral chapters to contribute an additional tax on top of the *tercia real*, the royal share of the tithe, equal to two-ninths of the tithe.[121] Neither the cities nor the religious institutions could claim that Charles privileged one over the other, and both suffered equally under the burden of a king who had many obligations and jurisdictions. In 1519 Charles had obtained the right to tax the Castilian cathedral chapters from Leo X.[122] When his candidate, Adrian of Utrecht, won the papal election in 1522 royal revenues increased; in 1523 Pope Adrian VI conceded another tax of 100,000 florins on the monastic houses and cathedral chapters, which became known as the *quarta* or *medios frutos*.[123]

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[120] Pedro de Alcocer, *Relación de algunas cosas que pasaron en estos reinos desde que murió la reina católica doña Isabel, hasta que se acabaron las comunidades en la ciudad de Toledo*, ed. Antonio Martín Gamero, Sociedad de Bibliófilos Andaluces (Seville: Imprenta de D.R. Tarasco, 1872), 38.

[121] Sandoval, *Historia del emperador*, 80:147; Juan Maldonado, *El levantamiento de España/ De motu hispaniae*, trans. and ed. María Angeles Durán Ramas (Madrid: Centro de Estudios Constitucionales, 1991; 1529), 80–81.

[122] For Leo's concession of the *décima*, see Sandoval, *Historia del emperador*, 80:147, 154–158; Danvila, *Historia de las comunidades*, 35:81–83. *Décima* was the term used prior to Adrian's bull of 1523. For additional clarification, consult Manuel Teruel Gregorio de Tejada, *Vocabulario básico de la historia de la iglesia*, Crítica/Historia y Teoría (Barcelona: Crítica, 1993), 415–418, 416, note 3 for *subsidio*, and for *diezmos* and *tercias*, see 139–157.

[123] For Charles' effort to get the papal concession, see "Mémorial présenté a Adrien VI par le Duc de Sessa, ambassadeur de Charles-Quint a Rome," *Correspondance de Charles-*

In 1518–1519 churchmen were also well aware that taxes were not the only method of extraction Charles was determined to use. Rumors were spreading about the actual confiscation of ecclesiastical goods. According to these rumors, the Burgundians were selling benefices and exporting church wealth.[124] William of Croy, lord of Chièvres, it was claimed, had exported more than a million ducats worth of assets confiscated from ecclesiastical sources, including sums from the crusade bull of 1518.[125] Charles naturalized William of Croy in order to grant him the privilege of obtaining one-third of inquisitorial confiscations.[126] Charles borrowed 58,794 ducats from his Genoese bankers, placing projected clerical contributions as the collateral for the loans he had been given.[127]

In tapping a greater range of Spanish resources, Charles lost the support of the church, which had always felt it deserved entitlements. One significant consequence of this bilateral tax program (i.e. taxing both cities and ecclesiastical corporations) was a widespread alliance against Charles. As the cold months of 1519 passed, the Toledan cathedral chapter led the cities and countless preachers toward revolution against Charles' Burgundian regime and its fiscal policies.[128] The church of Toledo had good reason to start the revolution. Toledo was the richest archdiocese of Spain; it consisted of hundreds of assets that could be targeted by Charles. In 1517, for example, the Toledan ecclesiastical patrimony had 209 cathedral benefices, the collegiate churches of Talavera and Alcalá, four vicariates, 1,754 benefices, twenty-one castles, almost 20,000 subject households and revenues reaching more than

Quint et d'Adrien VI, ed. Louis-Prosper Gachard (Brussels: M. Hayez, 1859), appendix B, XCIII–CXII, CIX. For Adrian's bull, *Crudelissimas strages*, see Carlos Gutiérrez, "Subsidio de la quarta," DHEE, ed. Quintín Aldea Vaquero et al., 5 vols. (Madrid: CSIC, 1972–1987), 4:2514; AGS, Estado, leg. 10, fol. 208, "relación del asiento de la quarta." Ecclesiastical corporations in Granada, Navarre, Aragon, the Canary Islands along with a few monastic and military orders of Santiago, Calatrava, Alcántara, and St. John were exempted.

[124] Sandoval, *Historia del emperador*, 80:151.

[125] For Chièvres' confiscations, see the letter of Martire to the marquis of Mondéjar and the marquis of los Vélez, Zaragoza, 13 July 1518, *Opus epistolarum*, 581. For the crusade bull, see AGS, Patronato Real, Cruzada, leg. 19, fol. 26.

[126] Tarsicio de Azcona, "Reforma del episcopado y del clero," in *Historia de la iglesia en España*, ed. Ricardo García-Villoslada et al., BAC: Maior, 16–20, 5 vols. (Madrid: La Editorial Católica, 1979), 3/1:115–215, 131.

[127] Carande, *Carlos V y sus banqueros*, 2:466–469.

[128] AGS, Estado, leg. 11, fol. 182, Martín de Córdoba to Charles, Toledo, 22 June 1523; Getino, *Vida e ideario del maestro fray Pablo de León*, 22–23.

66,000 ducats every year.[129] Charles nominated to the archbishopric of Toledo a nephew of William of Croy. This new archbishop was a teenage foreigner, the bishop of Cambray, and a cardinal. This type of nepotism was proof of Charles' successful diplomacy in Rome, but a costly innovation in Spain.[130]

By these actions, Charles alienated the clerical establishment. The church of Toledo was the first to wage battle against Charles. The majority of the Franciscans, Dominicans, and secular canons of Toledo revolted as soon as Charles got on his ship and sailed away from the coast of Galicia.[131] The bishop of Zamora, Antonio de Acuña, began a preaching campaign in the north and headed south to Toledo with his army.[132] Known in German scholarship as the Luther of Spain,[133] Acuña combined the use of the sword with the word of God, uniting farmers, *hidalgos*, knights, nobles, and especially churchmen against the Burgundian regime.[134]

In the short-to-medium term, Charles fulfilled his financial obligations and provided just enough patronage to ensure his ministers, most of them foreigners, a political base of operation in Spain. He gave the heads of his regime a place in Spanish government and the Spanish church, leaving Adrian of Utrecht behind as the regent of Spain.[135] Yet while he was in Spain, Charles failed to consult with the Spanish

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[129] Tarsicio de Azcona, "Reforma del episcopado y del clero," in *Historia de la iglesia en España*, ed. Ricardo García-Villoslada et al., BAC: Maior, 16–20, 5 vols. (Madrid: La Editorial Católica, 1979), 3/1:132; AGS, Patronato Eclesiástico, leg. 155, sf.; DHEE, 4:2566, which offers the sum of 80,000 ducats every year. Maldonado suggests more than 100,000 ducats every year (*De motu hispaniae*, 60–61). For 1630 estimate of total revenues, see DHEE, 3:1897.

[130] For Charles 1518 letter to Leo X in support of Chièvres, see Luis Núñez Contreras, *Un registro de cancillería de Carlos V: el manuscrito 917 de la Biblioteca Nacional de Madrid*, (Madrid: CSIC, 1965), 11–12. For an overview of Charles' diplomatic relations with Rome, see Miguel Angel Ochoa Brun, *Historia de la diplomacia española: la diplomacia de Carlos V*, Biblioteca Diplomática Española, Sección Estudios, 6, 5 vols. to date (Madrid: Ministerio de Asuntos Exteriores, 1999–), 5:74–84, 101–108, 75.

[131] AGS, Estado, leg. 16, fol. 416, the Dominican and Franciscan friars of Salamanca to the *regidores* and friars of Zamora, 24 Feb. 1520. On the Dominican contingency, see Adrian's letter of 3 Nov. 1521, AGS, Patronato Real, Comunidades, leg. 5, fols. 426–427.

[132] Martínez Gil, *La ciudad inquieta*, 85; Alfonso M. Guilarte, *El obispo Acuña: historia de un comunero* (Valladolid: Editorial Miñón, 1979), 143–144.

[133] For this term given to Acuña by Pope Leo X, see Lea, *A History of the Inquisition*, 2:44.

[134] AGS, Estado, leg 8, fol. 32, González de Polanco to Charles, 17 Jan. 1521.

[135] Maldonado, *De motu hispaniae*, 110–111. Charles later ratified Adrian's regency with the addition of the constable and admiral of Castile to serve as co-regents and

grandees about appropriate policies. This miscalculation opened the door for many nobles to support the restoration program of the cities and armed clerics.

The Comunero *Revolt*

When Charles left Spain in May 1520, he set as his priority the campaign to achieve religious unity and concord in Europe and to defend Christendom against the Ottomans.[136] Although Charles had had just over two years, from 1518 to 1520, in which to reform the judiciary and executive, he had rejected the administrative policies formulated in 1517 by the Castilian parliament, the Cortes, and he had refused to alter the composition of his court by incorporating Spaniards in its ranks. Charles had changed the Castilian tax code by forcing the tax-exempt *hidalgo* class to contribute to the municipal subsidy, the *servicio*, and added an additional tax, the *quarta*, upon the cathedral churches of Spain. The combined results of Charles' failure to implement parliamentary resolutions and of his new tax policies were disastrous. The cities and towns of Spain revolted in 1520 and did not recognize the Burgundian regency under Adrian of Utrecht. Other anti-Habsburg uprisings in Sicily (1516), Vienna (1519), Valencia and Mallorca (1520–1523), Peru (1537–1542), the Alpujarras (1568–1571), and Catalonia (1640) never approached the magnitude of the revolution of the Castilian cities and towns in 1520–1521. In 1520 Castile was the financial core of the Spanish empire and had cut off Charles from over eighty percent of royal revenues.

Although Charles was old enough to rule, he lacked the leadership and expertise required to implement parliamentary resolutions. Charles found no accord with the cities because he failed to uphold their tax privileges. He did not deliver on his promise to reform the judiciary or to hispanicize his court. The cities told Charles to keep his avaricious court away from Spanish wealth, yet he permitted

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as the leaders of the royal forces (AGS, Patronato Real, leg. 26, fol. 17, Malines, 22 Sept. 1520).

[136] For this platform of Christian universalism, see AGS, Patronato Real, Cortes, leg. 8, fol. 1, "proposición leída el 9 de febrero por el señor don Pedro Ruiz de la Mota en las Cortes de Valladolid, 1518"; cf., Georg Sauermann, *Hispaniae consolatio* (Louvain, 1520), 13–29. Cited in Merriman, *The Rise of the Spanish Empire*, 3:58–60.

members of his Burgundian regime to confiscate Spanish assets. The cities expected the restoration of a Castilian government, but Charles gave them a regency consisting of foreigners and seigniorial insiders. The cities fought back, substituting their own representational government for the regency of Adrian of Utrecht. Although the cities regarded Queen Juana as their legitimate monarch, they formed a federation of city-states in order to defend their liberties and restore an accountable judiciary and executive.

When the cities revolted, the *comuneros*, the alliance of city magistrates in open revolt, appealed to examples from the past, namely the troubles of Philip I and Fernando of Aragon, in order to link their complaints about Charles' rejection of the reforms postulated by the Cortes to festering xenophobic resentments. Consequently, historians have relied on, and expanded upon, the loaded arguments provided by the *comuneros* to make the case that the collapse of the state in 1504 caused the revolution.[137] In his account of the revolution of the *comunidades*, Joseph Pérez wrote that "the death of Isabel [in 1504] unleashed a new era of unrest and conflict that did not end until 1522 with the return of Charles V to Spain . . . and thus we have to frame the revolt of the *comunidades* within this process of the breakdown of the state."[138] Historians have also championed the *comuneros* as the bourgeoisie struggling against feudalism, with the consequence that 'modernity' or democratic liberty was derailed when the *comuneros* lost in Villalar in 1521. "The [royal] victory of Villalar," wrote Maravall, "obtained by the king and the grandees, and the subsequent defeat of the *comunero* program, initiated the surging tidal wave of a seigniorial order over Spain, undercutting the development of the Modern State that, if not designed, was at least initiated, by the Catholic Monarchs."[139]

But the real grievances that inflamed the cities in 1520 stemmed from Charles' failure to rule judiciously; for if he had implemented the reforms articulated by the *procuradores* to the Cortes, there would have been no revolt. The causes of the revolution were not structural; they were not due to the collapse of the state after the death of Isabel of Castile in 1504, and they were not based on long-term institutional

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[137] For the classic interpretation that the collapse of 'the state' in 1504 was the cause of the revolution, see Danvila, *Historia de las comunidades*, 35:46–50.

[138] Pérez, *La revolución de las comunidades*, 73.

[139] José Antonio Maravall, *Las comunidades de Castilla: una primera revolución moderna* (Madrid: Revista de Occidente, 1963), 12–13, 244.

decay.[140] There was nothing inevitable about the civil wars, nor was the end result of the civil wars the continuation of a medieval and backward Spain. The royalist victory did not signal a decline of Spain, but the *comunero* revolt did initiate the reconstruction of a political system advanced by the cities of the Cortes. Charles' Burgundian patronage politics and the financial demands generated by the imperial election in 1519 themselves caused the revolution.[141] Moreover, Charles' policies of 1522–1528 were nothing less than the resolution of the conflicts that arose when he failed to ensure the *mercedes* the cities expected in return for their subsidies and taxes. Distributing privileges and incomes to his favorites, who included select aristocratic Spaniards and a handful of Burgundians, Charles snubbed the cities. Moreover, by neglecting their policy recommendations, Charles appeared to the cities to be unaccommodating and unjust when he appointed a foreigner, Adrian of Utrecht, to govern Spain in his absence. For the most part, Charles' appointments in his early years, especially between 1517 and 1520, were infelicitous; he acted as a foreign monarch who permitted his Burgundian team to confiscate Spanish wealth and change the Castilian tax code.

Charles' departure from Spain in 1520 prevented him from enacting the promises he made to the cities in 1518 and 1520. Although he offered bribes to the *procuradores* of the Cortes, these *procuradores* nonetheless had to return to their cities and explain to them their decision in La Coruña in April 1520 to grant Charles a subsidy of 800,000 ducats.[142] The cities did not approve of the deal and they

[140] For the theory of "the decay of local administration . . . the corruption and abuses of the royal officials who were in contact with the population at large—that made the *Comunero* Revolution first and foremost a revolt against the crown," see Stephen Haliczer, *The Comuneros of Castile: The Forging of a Revolution, 1475–1521* (Madison: The University of Wisconsin Press, 1981), 94.

[141] Regarding the *germanías*, García Cárcel notes three preconditions that facilitated the revolt in Valencia: 1) pestilence and famines, 2) Charles' violation of the Valencian *fuero*, and 3) insecurity due to Muslim piracy (*Las germanías*, 91).

[142] For the bribes, see AGS, Estado, leg. 9, fol. 130; Pérez, *La revolución de las comunidades*, 154; Sandoval, *Historia del emperador*, 80:195; Danvila, *Historia de las comunidades*, 35:332–332. For the *servicio* of 300 *cuentos*, see Danvila, *Historia de las comunidades*, 35:108; Sandoval, *Historia del emperador*, 80:195. Traditionally, the *procuradores* dealt directly with the monarch, offering bribes in return for requested privileges. Cities did not solely rely on the Cortes to obtain special favors, for they often sent their representatives to meet with the king's secretaries who received funds.

killed numerous *procuradores* whom they blamed for double-dealing.[143] Municipal contributions came to a complete halt.

The cities of Toledo and Salamanca began the revolt in March 1520 when they defied the king's prerogative of convoking the Cortes and refused to send their respective *procuradores* to Santiago de Compostela. During the sessions of parliament, the republics of Toledo and Salamanca gained the support of five more cities and towns: Córdoba, Madrid, Murcia, León, and Toro. Only eleven municipalities (out of the eighteen that had the privilege of participating in the Cortes) approved the subsidy of 533,333 ducats in three years.[144] The cities involved in the exportation of wool and international commerce approved the subsidy, because they worried that a revolt would quickly disrupt their economies.[145] The rebellious cities and towns however held the upper hand, because they knew that the cities that approved the subsidy could not afford to pay it.

One way to understand the cities' angry refusal to pay is to read between the lines of Charles' chroniclers. Juan Ginés de Sepúlveda, for example, justified Charles' imperial campaign as a necessity, however untimely.[146] Pedro Mexía and Prudencio de Sandoval suggested that the revolution had multiple causes, thereby weakening the argument that Charles was fully responsible.[147] According to Gonzalo Jiménez de Quesada, one of Charles' chief defenders, three events set off the *comunero* revolt: Charles' departure, offices and benefices given to foreigners, and the export of Spanish monies.[148] In this account, Charles is passive; the entire narrative, in fact, is related in the passive voice. Charles was forced to leave, was compelled to provide patronage, and had to pay bills. The revolution could not have been his fault because he was not really in charge. The primary criticism that Jiménez wanted to refute was that Charles and his court were driven by avarice.

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[143] For a few examples, see Sandoval, *Historia del emperador*, 80:220–222 and 233–234; Danvila, *Historia de las comunidades*, 35:342–346.

[144] Sandoval, *Historia del emperador*, 80:216.

[145] Pérez, *La revolución de las comunidades*, 153–157. The cities were Avila, Guadalajara, Jaén, Segovia, Soria, Burgos, Seville and Granada.

[146] Sepúlveda, *Historia de Carlos V*, 1:40.

[147] For the theory of multiple causes, see Mexía, *Relación de las comunidades de Castilla*, BAE, 21 (Madrid: Imprenta Rivadeneyra, 1852; 1530?), 367–368; Sandoval, *Historia del emperador*, 80:218.

[148] Gonzalo Jiménez de Quesada, *El antijovio*, ed. Rafael Torres Quintero, Publicaciones del Instituto Caro y Cuervo, 10 (Bógota: Talleres Editoriales de la Librería Voluntad, 1952; 1567), 34–39.

In 1521, by contrast, Alonso de Castrillo wrote in a political treatise that avarice and the love of money—the root cause, he said, of all forms of political collapse—were responsible for Charles' grave setbacks.[149] Castrillo blamed foreigners for inducing this sinful behavior.[150] The Burgundian court, he said, introduced the seductive sin of avarice, which then spread and forced people to take from others what they did not have.[151] Foreigners were setting poor examples; highly visible in society, the newcomers were getting away with inappropriate actions. Quoting Saint Augustine, Castrillo offered the solution: judicious rule.[152] In his view, Charles had to focus on the policy of dutiful *merced* as the groundwork for good government and the elimination of poor and corrupt leadership.[153] Using Cicero to make his point, Castrillo concluded that rulers had to be extremely judicious when providing *mercedes*.[154] Implicit in Castrillo's argument was the notion that Charles was responsible for the actions of his administrators because he appointed them. The king, after all, was the provider. It was the king's chief job to promote justice by appointing honest men and competent officials.

Although Castrillo did not defend the *comuneros*, he did share their philosophy of the common good and the integrity of an autonomous *res publica*. His ideal republic consisted of defenders and subjects. The subjects lived in self-ruling cities and towns.[155] The defenders were the monarch, his vassals, and officials.[156] When defenders become corrupt, when avarice destroys the noble classes, the republic, he claimed, falls apart. People then rob each other and wars break out.[157] On the other hand, the king is capable of sustaining the republic when his policies are just and he cultivates the love of his subjects. The king must fully understand the importance of equitable justice, the importance of how to give and how to take away, in order to maintain *concordia*.[158]

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[149] His treatise was published in Burgos during the *comunero* revolution on April 21, 1521. *Tractado de república con otras hystorias y antigüedades*, Colección Civitas (Madrid: Instituto de Estudios Políticos, 1958).

[150] *Tractado*, 7–8.

[151] Castrillo, *Tractado*, 22.

[152] Castrillo, *Tractado*, 164.

[153] Castrillo, *Tractado*, 220.

[154] Castrillo, *Tractado*, 220.

[155] "la república es una cierta orden o manera de vivir instituida y escogida entre sí por los que viven en la misma ciudad" (Castrillo, *Tractado*, 28–29).

[156] Castrillo, *Tractado*, 141, 188.

[157] Castrillo, *Tractado*, 215.

[158] Castrillo, *Tractado*, 217.

Castrillo's political philosophy coincided with many of the criticisms and demands of the *comuneros*, who attacked the policy of favoritism or patronage that they believed marked Charles' rule. They condemned Charles for his unwillingness to reform the institutions of justice or to implement auditing procedures, arguing that the king had to be judicious and systematic in the management of judicial offices.[159] In the opinion of the *comuneros*, Charles' actions proved otherwise. Charles introduced an incompetent administration, leaving behind a foreigner in charge,[160] and giving in to powerful families and clans who advanced their own self-interested agenda (*intereses particulares*).[161]

The political treatises, in particular Castrillo's *Tractado*, articulate principles that conform to absolutist doctrines and the fundamental assumptions underlying a Weberian patrimonial state, namely legal authority consisting of a bureaucratic administrative staff and a "sphere of legal 'competence.'"[162] As an absolutist monarch with control over a 'bureaucratic' administration (i.e., *cámara de Castilla*), Charles had the authority to grant *mercedes* and privileges to those who merited them, but he was not above the law and not *legibus solutus*.[163]

Charles was supposed to perform within the limits marked by a constitutional monarchy, administering justice through legal mechanisms approved of and consented by parliament. This form of mixed constitution could have been a temporary phase, especially after the *comunero* revolt, but the procedures formulated by the parliament of the

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[159] On the *comunero* critique of Charles' court and government, see Sandoval, *Historia del emperador*, 80:300–302 ("En lo que toca a la casa real"), 306–309 ("lo que toca al consejo [de Castilla], audiencias, justicias," "consejo e audiencias," "encomiendas y consejo de las órdenes").

[160] Danvila, *Historia de las comunidades*, 36, the *junta* of Tordesillas to the *merindades* of Old Castile, Tordesillas, 14 Nov. 1520, 585–591, 585.

[161] "…es de creer que procurarán sus intereses particulares e aumentar sus casas e estado en gran daño e perjuicio de los pueblos e comunidades como lo han hecho hasta aqui" (the *junta* of Tordesillas to the *merindades* of Old Castile, Tordesillas, 14 Nov. 1520, Danvila, *Historia de las comunidades*, 36:585–591, 589).

[162] *Economy and Society*, 2 vols., trans. Ephraim Fischoff et al., ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978; 1956), 1:220. Weber also notes that the patrimonial state is "when the prince organizes his political power over extrapatrimonial areas and political subjects" (2:1013). The princes' political domination is over other masters, a power that is military and judicial. The rationalization of patrimonialism "moves imperceptively toward a rational bureaucratic administration, which resorts to systematic taxation" (2:1006–1044, 1014).

[163] For discussion of the principle of "princeps legibus solutus est," see, Harald E. Braun, *Juan de Mariana and Early Modern Spanish Political Thought*, Catholic Christendom, 1300–1700 (Aldershot: Ashgate Publishing Company, 2007), 73–80.

1520s and implemented by the executive under President Tavera of the Council of Castile (r. 1524–1539) persisted into the reigns of Philip III and Philip IV.[164] Charles' administrators, especially his councilors of the Council of Castile, operated through networks of patronage and connections; but they too were careful in recruiting qualified judges. At the local level, especially in the *regimientos*, Charles could exercise a level of patronage, of granting favors, especially to those who had served the king and performed their duties, such as occurs in the colonial system of patronage.[165] Although Charles' governing system was not a modern state apparatus with a centralized and rationalized model of legal domination, his reconstruction of the judiciary and executive in the 1520s entailed principles hammered out in parliament for the common good.

Comunero *Justice*

In 1520, the flames of municipal liberty burned the pretensions of Charles' imperial priority.[166] After the Habsburg forces destroyed Medina del Campo on August 21, 1520, the *comuneros* discovered that their cause was widely accepted.[167] When the *comuneros* organized their armed forces in Tordesillas in late August 1520, all the Castilian cities with *voz y voto* in the Cortes joined them: Burgos, Soria, Segovia, Avila, Valladolid, León, Zamora, Cuenca, and Guadalajara.[168] Although the revolt began as a tax rebellion, it developed into a political experiment; city-states, or *communidades*, were realizing their potential to rule without a monarchy. The rebellion also expressed their fury and outrage

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[164] For this Roman model of mixed constitutions as an ideal for the Spanish monarchical state, see Joan Pau Rubiés, "La idea del gobierno mixto y su significado en la crisis de la monarquía hispánica," *Historia Social* 24 (1996): 57–81.

[165] For colonial patrimonialism, see Tamar Herzog, *Upholding Justice: Society, State, and the Penal System in Quito, 1650–1750* (Ann Arbor: University of Michigan Press, 2004; 1995), introduction.

[166] For analysis of the discourse of *comunero* nationalism and its resistance to Charles' imperialism, see Horst Pietschmann, "El problema del 'nacionalismo' en España en la Edad Moderna: la resistencia de Castilla contra el emperador Carlos V," *Hispania* 52/180 (1992): 83–106, especially 104–106.

[167] On the destruction of Medina del Campo in August 21, 1520, see Alcocer, *Relación*, 44–45; Mexía, *Historia del emperador*, 161–163; Sandoval, *Historia del emperador*, 80:248–251. For the crisis of royal authority after the burning of Medina del Campo, see Pérez, *La revolución de las comunidades*, 177–179.

[168] Pérez, *La revolución de las comunidades*, 184.

toward an avaricious group of insiders. Considering Charles' regime to be corrupt and greedy, the cities refused to pay taxes and the tax revolt became a struggle for a representational form of government. When the *comuneros* began to think tactically, they came to realize how they could govern the royal patrimony. They did not yet see how their commonwealth of autonomous republics could stand alone, however; they thought they needed a monarch to provide them with royal decrees. The *comuneros* wanted to implement judicial reforms and believed that Queen Juana could buttress their efforts to save Castile from foreign exploitation and negligence, thereby preventing the return of a Burgundian-oriented politics.

In 1520, the *comuneros* of Castile did not reject monarchy; rather they condemned Charles' Burgundian administration. The leaders of the *comunidades* argued that because they represented fourteen of the eighteen cities of the Cortes, they were a legitimate majority government, a democratic federation representing Castile. They believed their mission was sacred and for this reason they called themselves the holy alliance (*santa junta*). On the verge of revolt, the cities repeated their list of demands. At a minimum, they asserted, Charles must reform the judiciary. "Your majesty must promise to remove from your administration the members you have had up to this time," they wrote, adding that "the councilors of the Council of [Castile] and the judges of the appellate courts must be audited."[169] By pressuring Charles to install a comprehensive program of audits, the cities were instructing Charles to stay put, but he did not. Once he set sail for the German empire he simply had no time to consider any changes that the cities had hoped he would initiate.

The restoration program of the *comuneros* was a struggle for justice. The cities wanted the king to make judicious appointments and to implement judicial reforms, and they were not interested in Charles' obligations. They wanted Charles to defend the Castilian patrimony, his royal municipalities and possessions, against the French, who threatened Castilian borders, and the Ottomans, who attacked their sea-lanes. They also wanted Charles to enforce monetary standards and protect city charters. The federation of cities wanted to monopolize the privilege of tax collection, which Isabel of Castile had dispersed among her aristo-

[169] "The petitions of the *junta* of Tordesillas," Maldonado, *De motu hispaniae*, 450–483, 463–467.

cratic allies. At this point the *santa junta* began to follow a more radical course of action to deprive the nobles of their tax farming privileges. This action forced many of the nobles who initially supported the restoration movement to join the loyalist forces under the co-regents: Adrian of Utrecht, the constable of Castile (Iñigo Fernández de Velasco), and the admiral of Castile (Fadrique Enríquez de Cabrero).

One of the most important events during the civil wars was the debate between the admiral of Castile and the cities. The discourse began when the admiral declared that he did not want to fight the *comuneros* without first learning more about their grievances, hoping to broker a deal with them. The admiral invoked the principle of royal justice. He argued that only King Charles could provide justice and *merced*, which consisted of the king's absolute power to grant privileges, offices, and incomes. The admiral begged the cities to consider Charles' age, suggesting that his poor decisions were due to immaturity. The cities responded that Charles did not admit his transgressions nor demonstrate regret by denouncing his Burgundian administration. Moreover, the *comunero* cities regarded the monarchy as provisional, insisting that they themselves were the entities that truly represented the nation whereas the monarchy was at best a servant. They rejected the admiral's hierarchical assumption of the unity of the cities dependent upon the king. The cities and towns embraced the democratic principle of majority rule, asserting that their alliance of fourteen cities (out of eighteen with voting privileges in the Cortes) confirmed their sacred right to represent the kingdom. Moreover, the remaining four cities had not joined their just cause only because they were oppressed. The cities had outgrown their need for militaristic monarchies.

In the summer of 1520, the Castilian cities and towns decided that an insane queen could provide better justice than a corrupt king, so they went to Tordesillas to offer their allegiance to Queen Juana.[170] By early September 1520, the farmers, licentiates, jurists, theologians, and knights had changed their name from the *junta general* to the *santa junta*. The *santa junta* liberated the queen from royalist captivity under the marquis of Denia (Bernardo de Sandoval y Rojas) who "held her

[170] Testimony of Juan Padilla, Juan Bravo, and Juan Zapata with Queen Juana, Tordesillas, 29 Aug. 1520, Danvila, *Historia de las comunidades*, 35:469–472; Sandoval, *Historia del emperador*, 80:271–272.

captive and poorly cared for" in Tordesillas.[171] The leaders of the *junta* won the verbal support of Queen Juana who gave them permission to repair the injuries (*perjuicios*) caused by the Burgundian regime.[172] But Juana confounded both the royalists and the *comuneros*. When under the control of the *comuneros* she refused to sign their documents, and when the royalist party had taken her from the *comuneros* she rejected the royalist Council of Castile. Juana responded to the president of the Council of Castile with these words: "You now come to me after fifteen years of not dealing with me."[173] By December 1520, the *santa junta* did not have a monarch to support their cause but they claimed nonetheless that they were the administrators of government.[174] Charles' secretary of Castilian affairs during the regency, Luis González de Polanco, understood the gravity of the situation: Charles had been displaced and his return was the only remedy.[175]

After saving the queen from captivity, the *comuneros* took the step of rejecting Charles' claim to Castilian revenues. More was at stake than *servicios*; Governor Adrian was no longer able to borrow from bankers.[176] The admiral of Castile quickly recognized that the 'liberty' the cities and towns wanted consisted of eliminating noble privileges of tax collection.[177] Such liberty entailed the loss of incomes for many lords

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[171] The *procuradores* of Valladolid to town council of Valladolid, Medina del Campo, 11 Sept. 1520, AGS, Patronato Real, leg. 4, fol. 50.

[172] Danvila, *Historia de las comunidades*, Avila, 6 Sept. 1520, 36:46–47, 46). For the sessions between the *comuneros* and Queen Juana, see Sandoval, *Historia del emperador*, 80:273; Mexía, *Relación de las comunidades*, 380.

[173] Sandoval, *Historia del emperador*, 80:271. Her refusal to sign the papers brought to her by the *comuneros* in itself revealed a possible capacity for discernment, but they knew she was insane. On this theme of Juana's "means of negotiating power" and her refusal to sign decrees for the *comuneros*, see Bethany Aram, "Juana 'the Mad's' Signature: The Problem of Invoking Royal Authority, 1505–1507," *The Sixteenth Century Journal* 29 (1998): 331–358, 350–351.

[174] For the proceedings (*actas*) of ten cities forming their own Cortes, see Danvila, *Historia de las comunidades*, Valladolid, 15 Dec. 1520, 36:710–712.

[175] "…el verdadero remedio y los capítulos verdaderos son sola la bienaventurada venida de VM" (Licentiate Luis González de Polanco to Charles, 17 Jan. 1521, AGS, Estado, leg. 8, fol. 32). For Licentiate González de Polanco who was also a councilor of the Council of Castile, see Ignacio J. Ezquerra Revilla and José Martínez Millán, "González de Polanco, Luis," in *La corte de Carlos V*, 3:186–189.

[176] "…por todas estas causas veo que mi estada y presencia aqui no solamente es inutil más aún es dañosa a VM que a causa mía más facilmente se ha dinero o ha crédito o emprestido o de contado" (Adrian to Charles, Medina de Rioseco, 4 Dec. 1520, Danvila, *Historia de las comunidades*, 36:624–629, 627).

[177] Danvila, *Historia de las comunidades*, the admiral of Castile to Charles, undated, 39:429–432, 431.

and beneficiaries of government bonds(*juros*), which were annuities based on royal taxes, in particular the *alcabala*. Regarding the privilege of collecting the *alcabalas*, an anonymous Dominican friar claimed "the grandees did not counter the *comunidades* until the *comuneros* decided to restore *alcabalas* to the royal patrimony."[178] The *comuneros* were unwilling to tolerate local assessments (e.g. *alcabalas de feria, yantar, portazgo*, etc.) or taxation privileges granted by Philip I, Fernando of Aragon, and Charles to the great lords.[179] Their strategy began with the control of royal incomes and this constituted the elimination of fiscal privileges granted to many lords.

Charles realized that the *comunero* campaign to control royal revenues, including the elimination of tax collection privileges held by select aristocrats, had to be fought. He decided to hispanicize the regency, empowering it with aristocrats who had substantial armed personal forces. In September 1520, Charles incorporated two of the most powerful grandees of Spain, the admiral of Castile and the constable of Castile, who controlled a formidable alliance of Castilian clans, into Adrian's regency.[180] Charles did not give to the co-regents, the constable and admiral of Castile, complete authority, for he prohibited them from appointing city councilmen, appellate judges, cathedral canons, and court officials.[181] Charles needed military support, because he had no permanent troops in Spain, nor had he funds to recruit men.[182] The new co-regents were essential, therefore, in organizing the royalist defense. The constable obtained 50,000 ducats from the king of Portugal, and a group of aristocrats and merchants contributed as well.[183] With the financial support of Portugal, the high nobility and commercial sector of Burgos, the admiral and constable of Castile recruited men from

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[178] *Floreto de anécdotas y noticias diversas que recopiló un fraile domínico residente en Sevilla a mediados del siglo XVI*, MHE, 48 (Madrid: Imprenta y Editorial Maestre, 1948), 95.

[179] "Lo que escribió la junta al Emperador," Sandoval, *Historia del emperador*, 80:295–317, 310–312.

[180] AGS, Patronato Real, leg. 26, fol. 17, Malines, 22 Sept. 1520; Pérez, *La revolución de las comunidades*, 200. Charles granted the almiral's heir, Fernando Enríquez, the title of duke of Medina de Rioseco. See Alonso López de Haro, *Nobiliario genealógico de los reyes y títulos de España*, 2 vols. Facsimile, Ollobarren: Wilsen Editorial, 1996; 1622), 1:400.

[181] Charles to Adrian, the constable of Castile, and the admiral of Castile, Brussels, 9 Sept. 1520, Danvila, *Historia de las comunidades*, 36:13–17.

[182] Pérez, *La revolución de las comunidades*, 230.

[183] Pérez, *La revolución de las comunidades*, 231. Charles' marriage contract with Isabel of Portugal stipulated the repayment of funds provided by the king of Portugal. For the contract, see "capitulaciones matrimoniales de Carlos V e Isabel," Toledo, 24 Oct. 1525, CDCV, 1:100–115.

seigniorial jurisdictions. By the end of November 1520, the admiral of Castile had mobilized 7,000 soldiers and made his town, Medina de Rioseco, one of the two military centers of the royalist offensive.

The admiral of Castile became the regency's mediator with the aim of preventing bloodshed and protecting seigniorial assets.[184] He thought a civil war was not the way to resolve the range of problems exacerbated by the Burgundian regime. Like the *comuneros*, the admiral did not forget that Castile's queen had the power to confirm privileges and laws. He himself had gone to see Queen Juana in order for her to defend his estates and the property of important grandees from the *junta*.[185] She had been signing her name on royal writs during Fernando of Aragon's regency. Simultaneously, the admiral defended Charles as the acclaimed king, and he did not address the *comunero* contention that Charles ruled unjustly. "There are no laws in the kingdom," the admiral wrote to the *junta* of Valladolid, "that permit the cities the transfer of royal rule from the son to the mother, unless by force."[186] The admiral then backed the threat of force with a history lesson. In order to convince the *comuneros* to support Charles, the admiral described the tumultuous period following Isabel's death in 1504.[187] In his view, the arrival of the Flemish prince Philip I had opened the floodgates of political controversy. The admiral's point of departure was Isabel of Castile's testament of 1504, in which she had stipulated that, in case of Juana's absence or her incapacity to rule ("*no pudiere entender en la gobernación*"), Fernando of Aragon had to govern Spain until Charles turned twenty.[188] The admiral claimed that he himself "did not take the road of the testament, but did what was beneficial for the kingdom."

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[184] Pérez, *La revolución de las comunidades*, 245.

[185] Hernando de Vega to the constable of Castile, Tordesillas, 8 Dec. 1520, Danvila, *Historia de las comunidades*, 36:636–638, 638.

[186] "digo señores que os haga creer que con el nombre de la reyna nuestra señora podeis gobernarnos quitar el Reyno al hijo esta es falsa proposición que no queriendo o no pudiendo governar no hay ley en el Reyno que diga que las comunidades tenga el cargo de suplir esta necesidad pues no aviendo ley no puede sostenerse sin culpa e sin armas" (the admiral of Castile to Valladolid, Cervera, 23 Oct. 1520, Danvila, *Historia de las comunidades*, 36:278–281, 279–280).

[187] For these arguments by the admiral and those following, I rely on the letter of the admiral of Castile to the *junta* of Tordesillas, Oct. 1520, Danvila, *Historia de las comunidades*, 36:336–344.

[188] For the inheritance clause of Isabel's Will of 1504, see Antonio Rodríguez Villa, *La reina doña Juana: estudio histórico* (Madrid: Fortanet, 1899; 1892), appendix 11, 429–431, 430; cf. Manuel Ballesteros Gaibrois, *La obra de Isabel la católica* (Segovia: Deputación Provincial de Segovia, 1953), 371–400.

The admiral reminded the *junta* of Tordesillas that, according to the wishes expressed in Isabel's testament, Fernando of Aragon was to be the ruler after she died. Fernando himself disobeyed this stipulation by stepping aside to allow Philip I to govern Castile. The admiral added that he had endured Philip's wrath for initially supporting Fernando. He failed to mention, however, that after the peace of Güelders in 1505, Philip I confirmed his admiralty, and he did not mention the generous rewards Philip gave him.[189] The admiral's major point was that there are times when the public good is more important than obeying old royal writ.

In October 1520, the admiral of Castile attempted to convince the *junta* of Tordesillas to lay down their arms. He underscored his consistent support of Queen Juana and the integrity of the monarchy of Spain under Queen Juana and King Charles. In other words, he thought the *junta* was half-right. The admiral recounted how he had defended Queen Juana when her husband was alive, disobeying the wishes of Philip I, who was in favor of locking her up, and how he subsequently disobeyed Philip's order to attend the Cortes where they were to agree on her fate. After Philip's death in 1506, he claimed, the admiral persisted in serving the best interests of Spain (*bien general*), even to the point of dawdling while the *procuradores* rushed to Valladolid in order to acclaim the heir-elect in 1518. Moreover, he did not approve of Charles' nomination of the governors nor of the decision of the Council of Castile to send an attack force to Segovia, which led to the destruction of Medina del Campo. The cause of the rebellion, declared the admiral, was that Charles was poorly advised (*mal aconsejado*). The admiral pleaded with the *junta*. Due to his tender age and his virtue of submission to elders, Charles had no other choice than to accept the advice of his regime. In short, the admiral saw the *junta's* complaints as justified and shared its view that the Burgundian regime's orders were scandalous (*cosas escandalosas*), but he sought to minimize Charles' personal culpability.[190]

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[189] For Philip's *merced* of the admiralty, see Antonio Rodríguez Villa, *La reina doña Juana*, appendix 18, 435–436, 436. For additional *mercedes* granted to the admiral by Philip I, see CODOIN, 8:295–296.

[190] "en esta culpa se deviera considerar que la menor hera del rey nuestro señor pues su edad le mandaba tener consejo y el como virtuoso le recibiera" (the admiral of Castile to the town of Valladolid, Cervera, 23 Oct. 1520, Danvila, *Historia de las comunidades*, 36:278–281, 278).

The *junta* of Tordesillas responded that it too sought the public good (*bien público*), was devoted to a peaceful solution, and recognized the fact that culpability for the outrage lay upon "the incompetent council advising our king."[191] But Charles' reliance upon his Council of State, the *junta* claimed, did not excuse him from departing and taking diabolical actions (*endiabladas obras*). As revolutionary as their actions may have seemed, the *junta* did not reject Charles outright; but they did insist that the king continually failed to defend "our laws and privileges." "So why, then, has Charles not renounced his bad council," they asked the admiral, after arriving at the conclusion that both the Burgundians and the Council of Castile (which consisted of Castilians) were corrupt.[192]

The admiral appealed to reason and sympathized with the *comuneros*' grievances. "I will never let my emotions take over and imperil my reason, nor do I deny the grounds of your attacks." The heart of the matter, thought the admiral, was the debate over royal legitimacy. The passions of the *comuneros* that had been aroused must be controlled by the principle of harmonious unity, of one God, one king, and one kingdom.[193] Hence the scholastic principle of the body politic sustained the admiral's argument to the *comuneros*.

But the way to influence the *comuneros* was not through their intellect. They were beyond the point of making rational decisions. Their emotions had gotten the best of them, the admiral argued, and had clouded their understanding of the trinitarian order of a united kingdom. As the admiral had already mentioned, decrees of old had no validity in light of urgencies that undermined the unity of the kingdom. The *junta* had to be patient, await the return of the king, and address their grievances to him. Forcing the implementation of justice by violence would only lead to the breakdown of orderly society. All must clarify to the king the poor counsel he received as well as pave the road for judicious guidance.[194] In conclusion, the admiral emphasized unity. He feared the

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[191] The *junta* of Tordesillas to the admiral of Castile, 22 Nov. 1520, Danvila, *Historia de las comunidades*, 36:531–544.

[192] For the *junta*'s actions against the president and members of the Council of Castile, see the letter of the constable of Castile to Charles, Briviesca, 30 Sept. 1520, AGS, Patronato Real, leg. 2, fol. 124. Sandoval noted how the Council of Castile, in particular Licentiates Vargas and Zapata "estaban odiosos en la república" (*Historia del emperador*, 80:271).

[193] The admiral of Castile to the *junta* of Tordesillas, 22 Nov. 1520, Danvila, *Historia de las comunidades*, 36:534–541, 537.

[194] "Si SM no tiene buen consejo, demosle razones con que lo crea y camino como lo vea" (Danvila, *Historia de las comunidades*, 36:534–541, 538).

consequences of a commonwealth of cities obtaining privileges from the hand of an insane monarch. "What are we debating?" the admiral asked the *junta*. "Do you want the king to uphold your privileges? So do we. Do you want him to uphold justice? So do we."[195] He agreed with the *junta* that the Flemish regime practiced selective and shortsighted patronage, but now was the time to forgive the king, he said, and to consider his youth and inexperience.

By November 1520, the *santa junta* shifted the ideological terms within which its leaders and the admiral debated. As the admiral informed the city council of Seville, the rebels, claiming to represent the kingdom, had placed themselves above the king.[196] The cities increasingly came to believe that the monarchy was provisional, because they themselves were the entities that truly represented the nation; the monarchy was at best a servant. The *santa junta* realized that they could prosper with Queen Juana, even though she did not sign its papers and *junta* leaders believed that she was insane as well as possessed. The *santa junta* flatly did not want Charles to return, and it clarified its role as the representational body of the kingdom of royal cities for itself and the nation. Rejecting the admiral's hierarchical assumption of a superior king and a dependent kingdom, the *santa junta* eagerly embraced the democratic principle of majority rule, claiming that its alliance of fourteen cities confirmed its sacred right to represent the kingdom. Moreover, the remaining cities and towns had not joined their just cause, the *junta* argued, only because they had been oppressed.[197] The cities had outgrown their need for strong militaristic monarchies; if they could defend themselves, they could also construct a competent judiciary. The *santa junta*'s claim of democratic representation was bold. In 1520–1521, Castile began to look much like another Italy, a patchwork of city republics. The cities of Castile were saying that they were better off without Charles, and without his foreign policies, his alien

[195] The admiral of Castile to the *junta* of Tordesillas, Medina de Rioseco, 28 Nov. 1520, Danvila, *Historia de las comunidades*, 36:534–541, 540.

[196] The admiral of Castile to Seville, Medina de Rioseco, 28 Nov. 1520, Danvila, *Historia de las comunidades*, 36:541–546, 545.

[197] "Maravillámonos de vuestra merced [the admiral] decir que usamos de nombre impropio en pedir y proseguir nuestro santo propósito en nombre de reyno no estando aqui otras ciudades pues vuestra merced sabe es notorio que los votos destos reynos son diez y ocho y de ellos hay aqui los catorce que es mucha más de la mayor parte…y si algunas dejan de venir es por estar opresas" (the *junta* of Tordesillas to the admiral of Castile, Tordesillas, 22 Nov. 1520, Danvila, *Historia de las comunidades*, 36:531–534, 533).

administrators, and the corrupt Spaniards in the dishonored Council of Castile. The commonwealth of city-states, they held, was a better system than the one Charles had established.

Chroniclers denounced this democratic movement as demonic.[198] Churchmen were especially shocked at the idea of a united federation of city-states and a possessed queen who could change her mind about signing papers. The bishop of Burgos, for example, did not want to see his Castile end up as a political failure like Italy itself. For him, the *comunidades* represented a perversion of justice and the failure of the monarchical state (*estado*).[199] No other chronicler recognized the *comuneros'* democratic potential as clearly as Antonio de Guevara, one of Charles' official chroniclers and court preachers who served in the Council of the Inquisition.[200] After years of service, Guevara received *mercedes* from Charles, beginning with the bishopric of Guadix, followed by the bishopric of Mondoñedo. During the civil wars, Guevara used his pen to attack the religious and military leader of the *comuneros*, Antonio de Acuña, the bishop of Zamora. Guevara reprimanded Acuña for his dual spiritual and political perversion of the established order of imperial rule. In Guevara's eyes, the Zamora prelate had taken up arms, which went against his religious calling. Acuña's spiritual perversion, Guevara added, generated a popular and blind movement by which the cities and towns of Toledo, Burgos, Valladolid, León, Salamanca, Avila, and Segovia no longer desired to remain royal dependencies but, by turning themselves into a federation (*república*) of independent lordships, sought to overturn the monarchical order. Bishop Acuña's sermons, Guevara noted, prompted the cities to imitate Venice, Genoa, Florence, Siena, and Lucca. In his opinion, these Italian places were not cities; they were lordships (*sino señorías*). Additionally, these lordships did not have magistrates (*regidores*); they had consuls (*sino cónsules*). Thus Guevara suspected that the model of the Roman Republic had become the goal of the *comuneros*.

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[198] Mexía, *Relación de las comunidades*, 367.

[199] Juan Rodríguez de Fonseca to Charles, Astorga, 15 Jan. 1521, AGS, Estado, leg. 8, fol. 28.

[200] For Guevara's royal career, see Augustin Redondo, *Antonio de Guevara (1480?–1545) et l'Espagne de son temps: de la carrière officielle aux oeuvres politico-morales*, Travaux d'Humanisme et Renaissance, 148 (Geneva: Librairie Droz, 1976). For Guevara's salary, see AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 8, fols. 358–366, "cronista de SM."

To convince the bishop of Zamora that he was committing religious idolatry as well as a kind of political idolatry, Guevara employed a classical topos.[201] Alexander the Great was once asked why he wanted to be the lord of the entire world, and Alexander responded that all wars were the result of one of three things: too many gods, too many laws, or too many kings. Alexander had to be the only lord of the world in order to establish the principle of unity in which one god is worshipped, one king is served, and one law obeyed. Guevara then compared the bishop of Zamora to Alexander. "Although Alexander was a pagan," Guevara wrote, "you were raised in the Church and still you want to make seven kings, establishing seven cities into lordships." Guevara insisted that all good and faithful knights have only one God who is Christ, one law, which is the Gospel, and one king who is Charles.

These developments reveal how the cities' resentment over taxes and judicial matters led them to declare independence from the monarchy and its Burgundian politics. The cities went much farther than demanding the mere restoration of a just monarchy; in Guevara's view they turned to the model of the Roman Republic. The cities themselves would provide justice and defend the nation. They rejected the imposition of a hereditary monarchy. Even after the royalists took Queen Juana from the control of the *comuneros*, the *comuneros* did not lay down their arms. In February 1521, they decided to gather their forces in Toro, and from there, made plans to defeat the loyalist forces.

In summary, the state apparatus that Charles initially fashioned failed miserably because he did not govern in the interests of the cities, whose leaders finally made the decision to overthrow the Habsburgs. Charles was engaged in a range of financial schemes undermining traditional *mercedes* granted to cities by previous Spanish monarchs. With his power of *merced*, Charles could have strengthened legal attachments to the cities, but instead he fortified a foreign regime. Charles did not make the cities dependent on what he could provide them, for he untied the bonds of mutual gain. Charles used representative institutions, in particular the Cortes, to finance the imperial election, but did not follow through on the promises he made to their representatives. The cities wanted Charles to reform the royal appellate courts, but the young

[201] Guevara to the bishop of Zamora, Medina de Rioseco, 20 Dec. 1521, *Epistolas familiares*, BAE, 13 (Madrid: Imprenta de los Sucesores de Hernando, 1913), 141–142, 142.

king broke the already tenuous relationship the cities had with all but a few judges of the Chancery of Valladolid. Charles did not expand oligarchic relationships, for he alienated the cities that were the centers of commerce and higher education, and he failed to consolidate an alliance with ecclesiastical groups. The cities rebelled to protect their privileges from attack by the Burgundian regime. Consequently, the cities established an alternative form of government: a republic tied together by its constitutions and laws and a coherent representative institution, the Cortes, as the basis of power. Charles had to learn the hard way Machiavelli's counsel that the power of the state should rest upon popular support.[202]

[202] J. Russell Major described the "basis of monarchical power" by using *The Prince*. Paraphrasing Machiavelli, Major writes: "To secure the support of the people, the prince was advised to appear to have all the traditional virtues, to tax lightly, and when the great feudal dependencies escheated to the crown, to alter neither the laws nor the taxes of the inhabitants" (*Representative Institutions in Renaissance France, 1421–1559*, Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions 22 [Madison: The University of Wisconsin Press, 1960], 14).

CHAPTER TWO

PARLIAMENTARY AUTHORITY, *MERCED*, AND THE REFORM OF LOCAL ADMINISTRATION

The steps the Castilian republics took to change the government Charles first installed in 1517 gradually transformed the Spanish empire of cities and towns into a constitutional monarchy accountable to the parliament. Beginning in 1522, the cities and towns of Castile resurrected their empire by rejecting the Burgundian regime (c. 1517–1522) and laying the foundations for the reconstruction of a meritocratic bureaucracy. The municipalities of the parliament formulated domestic policies and they forced Charles to implement management reforms affecting the global bureaucracy and the administrative machinery. The cities and towns regarded the Burgundian regime as a pack of wolves from which they hoped to escape by forming a commonwealth of republics and fighting to regain their liberties. In essence, municipalities made a distinction between legitimate and meritorious appointments (the king's provision of *mercedes*), and the moral failures, such as public corruption, greed, the sale of offices, and patronage, which they believed marked the Burgundian regime.

Between 1517 and 1522, Charles' administration was in the hands of favorites and Burgundians, and this patronage, known as *empadronamiento*, caused a polarization between the crown and the cities and towns of Castile.[1] At the Cortes of 1517 and 1520, Charles had agreed to appoint Spanish natives and competent judges to executive and judicial positions, but he did not adopt any of these measures, because these changes would have resulted in a new administrative system.[2]

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[1] For the principle of *empadronamiento*, see AGS, Patronato Real, leg. 70, fol. 61, Madrid, 1528 Cortes. On favoritism, see I.A.A. Thompson, "The Institutional Background to the Rise of the Minister-Favorite," in *The World of the Favorite*, ed. John H. Elliott and L.W.B. Brockliss (New Haven: Yale University Press, 1999), 13–25. For overview on the role of dynastic patronage and the involvement of family members in government, see Hillay Zmora, *Monarchy, Aristocracy, and the State in Europe, 1300–1800* (New York: Routledge, 2001).

[2] For Charles' promises, see AGS, Patronato Real, leg. 7, fols. 209–243, Valladolid, 9 Dec. 1517; Patronato Real, leg. 70, fol. 9, Santiago, 30 March 1520; CLC, 4, Valladolid, 1518; Sandoval, *Historia del emperador*, 80:152–154.

The *procuradores* to the Cortes were perhaps hopeful that Charles would force the Burgundian leadership to cooperate by readopting appointment procedures and auditing measures such as the long-established *residencia* and *visita* policies of the Catholic Monarchs.[3] In 1517 even the Council of Castile urged Charles to make appointments according to the standards used by the Catholic Monarchs.[4] Charles did not keep his promise, but rather allowed the Burgundians to handpick councilors and judges and to sell offices. When Charles departed for the German empire in 1520, the appearance of a regency under Adrian of Utrecht, a foreigner, enraged municipal councilors in cities with voting privileges in the Cortes.

The resulting civil wars of 1520–1521 were a turning point for Charles, because he realized how important Castilian cities were for his economic survival; the cities provided over eighty percent of royal income. During the civil wars the cities did not pay taxes, so Charles cut short the papal coronation, receiving only the iron crown, and returned to Spain in order to resume tax collection and to negotiate municipal subsidies. He soon made his Castilian enterprise the priority and decided that new strategies had to be employed.

If Charles expected to receive Castilian revenues, he had to endorse the executive and judicial management policies formulated by the Cortes, especially the reforms articulated by representatives in the 1523 parliament. Beginning in 1523 Charles rationalized government by promoting management efficiency and by appointing qualified candidates to judicial posts. By 1528, when the king decided to return to the empire and receive his imperial insignia, the Castilian executive and judicial bureaucracy was no longer a patron-client organization; it was a flexible multi-layered institution under the rule of law and sufficiently centralized to prevent its breakdown into a clientelist system.[5]

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[3] For background of *residencias*, see Garriga, *La audiencia y las chancillerías castellanas*. For terminology, see Glossary. *Residencias* were audits that required the auditor to be the interim judge for a minimum of nine months in which time he investigated the appellate judge. *Visitas* were audits that did not take as long and usually began as part of the process to determine whether the audited judge was suitable for reappointment. *Visitas* were sometimes surreptitious, as in the case of a *visita secreta*, and these were usually in response to complaints that the Council of Castile received from individuals or municipal councils.

[4] Sandoval, *Historia de emperador*, 80:110–111.

[5] For an example of Renaissance court patronage, see Linda Levy Peck, "Court Patronage and Government Policy: The Jacobean Dilemma," in *Patronage in the Renaissance*, ed. Guy Fitch Lytle and Stephen Orgel (Princeton: Princeton University Press,

Unlike the Renaissance monarchs, Charles no longer appointed favorites and courtiers to judicial office, nor did he not sell executive positions[6] or make appointments based on patronage.[7] Charles, as depicted in the chronicle tradition, now resembled the Catholic Monarchs, who themselves called to mind the great Byzantine lawmaker Justinian I by prohibiting the buying and selling of public offices.[8]

Two strategies of royal *merced* are of interest in this chapter because they reveal the process by which Charles retained the loyalty of the nobility while regaining the confidence and monetary support of the cities and their taxpayers. The first strategy reflects Charles' need to strengthen his alliance with aristocrats by conceding to them the

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1981), 27–46. Levy Peck writes that the "basis of English politics in the sixteenth and seventeenth centuries was the patron-client relationship between the monarchy and the most important political groups in the state, the peerage and the gentry" (28–29).

[6] Charles did not sell judgeships, but in 1543 he began to sell *regimientos* and *escribanías*, which were not judgeships but were oligarchical seats that the kings of Spain had established during the reconquest of Muslim Spain. Margarita Cuartas Rivero notes that these sales of municipal offices increased the total number of *regimientos* in municipal governments, especially in towns previously under the jurisdiction of the military orders. See "La venta de oficios públicos en el siglo XVI," *Actas del IV symposium de historia de la administración*, Publicaciones del Instituto Nacional de Administración (Madrid: Instituto Nacional de Administración Pública, 1983?), 225–260, 240). Antonio Domínguez Ortiz argues that Charles began to sell municipal offices as early as 1523, but his evidence of such sales took place in 1545 and afterwards. "La venta de cargos y oficios públicos en Castilla y sus consequencias económicas y sociales," in *Instituciones y sociedad en la España de los Austrias* (Barcelona: Editorial Ariel, 1985), 146–183, 151–153. Francisco Tomás y Valiente analyzes the development of the fiscalization of *regimientos*. See "Las ventas de oficios de regidores y la formación de oligarquías urbanas en Castilla, siglos XVII y XVIII," *Actas de las primeras jornadas de metodología aplicada a las ciencias históricas* 3 (Santiago de Compostela, 1975), 551–568. For the sale of *regimientos* in New Spain, see Tomás y Valiente, *La venta de oficios en Indias (1492–1606)*, Estudios de historia de la administración (Madrid: Instituto de Estudios Administrativos, 1972). For an analysis of bureaucratization process, see I.A.A. Thompson, "Administración y administradores en el reinado de Carlos V," in *En torno a las comunidades de Castilla*, 93–107.

[7] On patronage, see Ernest Gellner, "Patrons and Clients," in *Patrons and Clients in Mediterranean Societies*, ed. Ernest Gellner and John Waterbury (London: Gerald Duckworth, 1977), 1–6. Gellner writes that "power in a well centralized and law-abiding bureaucracy is not a form of patronage." "In so far as bureaucrats are selected for their posts by fair and public criteria," he adds "are constrained to observe impartial rules, are accountable for what they do, and can be removed from their positions without undue difficulty and in accordance with recognized procedures, they are not really patrons, even if they do exercise much power" (1). On the Habsburg court, consult the overview by R.J.W. Evans, "The Austrian Habsburgs: The Dynasty as a Political Institution," *The Courts of Europe: Politics, Patronage, and Royalty 1400–1800*, ed. A.G. Dickens (New York: McGraw-Hill, 1977), 121–145; Mia J. Rodríguez-Salgado, "Charles V and the Dynasty," in *Charles V, 1500–1558*, ed. Hugo Soly (Antwerp: Mercatorfonds, 1999), 27–112.

[8] Sandoval, *Historia del emperador*, 80:110.

traditional privileges they expected for the services they provided to him. Charles knew that his reconstruction policies after the civil wars could not jeopardize his ongoing partnership with the aristocracy. Therefore in 1522–1525 he catered to the requirements of the aristocrats by conceding privileges of entailed estates, tax-exemptions, municipal incomes and offices, and habits of the military orders without which aristocrats could not accumulate and conserve assets or ensure the survival of their family patrimonies. The aristocrats were important constituents in their local municipalities; they were often the elected parliamentary officials and normally the local magistrates of the Castilian republics and representatives to the sessions of parliament.[9]

The second strategy of *merced* is the concern of four sections of this chapter which describe the process of negotiation between the Cortes and Charles: "The Fiscal System of the Parliament," "The Cortes of 1523 and Absolute Power," "Local Power and *Corregidores*," and "The Audits of *Corregimientos*."[10] The first section, "The Fiscal System of the Parliament," covers the period from 1517 to 1537, and highlights both the ability of the Cortes to determine tax rates and its subsequent failure to monopolize taxation (solely because other municipalities, namely towns without voting rights in the Cortes, received taxation privileges previously granted to eighteen of the major cities). Only after Charles had implemented the reforms required by the Cortes did he acquire

[9] For an analysis of internal municipal conflict between aristocrats and the third estate, resolving itself in the *comunero* revolution, see Sánchez León, *Absolutismo y comunidad*, 74–126. For a case study of the composition of a municipal government, see Monsalvo Antón, *El sistema politico concejil*, especially chapter eight. For royal cities and the integration of social elites in municipal councils, see Bonachía Hernando, *El concejo de Burgos en la Baja Edad Media*; Julián García Sáinz de Baranda, *La ciudad de Burgos y su concejo en la Edad Media* (Burgos: Tip. de la Editorial El Monte Carmelo, 1967); Adeline Rucquoi, *Valladolid en la Edad Media*, 2 vols. (Valladolid: Junta de Castilla y León, 1997; 1987), 1:219–271. For similar analysis of class structures in Catalonia, see James S. Amelang, *La formación de una clase dirigente: Barcelona 1400–1714* (Barcelona: Editorial Ariel, 1986). For overview, see I. Atienza Hernández, "La nobleza hispana durante el antiguo régimen: clase dominante, grupo dirigente," *Estudios de Historia Social* 36–37 (1986): 465–495; Julio Valdeón Baruque, "Clases sociales y lucha de clases en la Castilla bajomedieval," in *Clases y conflictos sociales en la historia*, ed. José María Blázquez, Julio Valdeón Baruque, Gonzalo Anes, and Tuñón de Lara Manuel (Madrid: Cátedra, S.A., 1997), 63–92; David E. Vassberg, *Tierra y sociedad en Castilla: señores, poderosos y campesinos en la España del siglo XVI* (Barcelona: Editorial Crítica, 1986).

[10] For Castilian expansionism, concurrent with these negotiations, see Immanuel Wallerstein, "Charles V and the Nascent Capitalist World-Economy," in *Charles V, 1500–1558*, 365–391; Manuel Lucena, *Juan Sebastián Elcano* (Barcelona: Editorial Ariel, 2003), 284–286; Yun, *Marte contra Minerva*, xiii–xxiii.

the necessary leverage to extend tax privileges to municipalities that did not have the right of assembly in the Cortes. The second section, "The Cortes and Absolute Power," underscores the parliamentary course Charles used to grant a new and historically important *merced* to the Cortes, the right to address petitions and grievances before discussing subsidy amounts. The cities explained to Charles that he could apply his absolute power for the benefit of his subjects.[11] The third and fourth sections, which examine local authority and the *corregidores*, explain how royal *merced* consisted of the king's duty to appoint royal officials on the basis of merit and accountability. In 1523 Charles shifted the focus of his support from a handful of aristocrats to the local elites who wanted the king to appoint candidates for their experience and expertise in law. The Cortes of 1523 imposed a platform of appointments and rewards, especially for the *corregidores*. The judiciary had to be a law-abiding bureaucracy in which judges were selected by public criteria, bound to the policies of audits and rotation, held accountable, and removed if found negligent or corrupt. The royal execution of these popular measures constituted authority.[12]

The Aristocracy

Initially, Charles' policy of favoring only nobles seems to have worked. Just prior to his arrival in Spain in 1517, Charles did what every king had to do: gain the support of the powerful aristocratic class. He first classified his vassals by distinguishing them along familial lines. The grandees of Castile were styled as Charles' *primos* (first cousins), the highest relatives in the hierarchy of royalty, and he gave them privileges that secured their fortunes. Charles also nominated his second cousins, *parientes*, to magistracies in royal cities and the military orders, as well as furnishing them with *mercedes*.[13]

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[11] Jack B. Owens notes a transformation of absolute power in the sixteenth century, especially by constitutional jurists. See "The Conception of Absolute Royal Power in Sixteenth Century Castile," in *Il Pensiero Politico* 3 (1977): 349–361. He places the change within the legal system, especially the lawyers and theorists who defended aristocratic privileges.

[12] For a theoretical analysis, see Reinhard Bendix, *Kings or People: Power and the Mandate to Rule* (Berkeley: University of California Press, 1978).

[13] Diego López de Ayala to Cardinal Cisneros, Brussels, 20 Aug. 1516, Vicente de la Fuente, ed., *Cartas de los secretarios del Cardinal Jiménez de Cisneros durante su regencia en*

When Charles took the first step of appointing a sufficient number of Spaniards to help him navigate the Castilian seigniorial landscape, he incorporated many of his vassals into the government. Charles ensured that they received the benefits the aristocratic class expected. As early as 1516 Adrian of Utrecht, the regent of Spain, appointed nobles to secretarial offices, drawing from the revenues of the military orders in order to provide them with incomes.[14] These revenues funded the salaries of officials, the governors, and aristocratic knights in royal service.[15] When Charles left Spain in 1520 he wanted his regent, Adrian of Utrecht, to continue with the policy of favoring the great lords.[16] Consequently, Adrian requested a large number of *mercedes* for loyalists, many of which were granted.[17] In 1520, for example, the count of Ureña (Juan Tellez Girón), the marquis of Villafranca (Pedro de Toledo), and the marquis of Los Vélez (Pedro de Fajardo) were elevated to *grandeza* in 1520, which meant that they became Charles' *primos*. Charles also did not forget to give privileges to the most powerful of the Castilian grandees.[18] Charles knew he had to have the constable of Castile on his side, and so he granted the constable an assortment of offices and privileges in order to secure his loyalty.[19] Charles then ordered Secretary Cobos to grant the privilege of collecting the *servicios* (annual municipal-based subsidies) to many of the grandees of Castile.[20]

Charles did not fight in the civil wars, nor did he fully finance the royalist cause, because he could count on the aristocratic class for support. The nobles did not want to see a 'republic' of autonomous cities strip them of their privileges, so they fought to save their own skin. The

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los años de 1516–1517 (Madrid: Imprenta de la señora viuda e hijo de don Eusebio Aguado, 1875), 215–220.

[14] See the letter dated 6 Oct. 1516, from Cisneros' secretary, Jorge Varacaldo, to López de Ayala (*Cartas de los secretarios*, 35–37).

[15] AGS, Estado, leg. 7, fol. 73.

[16] On "nombramientos que el rey hizo desde Bruselas" of Spanish aristocrats, see Danvila, *Historia de las comunidades*, 35:181.

[17] AGS, Estado, leg. 9, fols. 60, 94, and 111–112.

[18] AGS, Estado, leg. 10, fol. 101, Adrian of Utrecht to Charles, Zaragoza, 9 April 1522; Estado, leg. 10, fol. 109, the viceroys of Castile (the admiral and constable of Castile to Charles, Victoria, 13 May 1522.

[19] For privileges and offices granted to the co-regent, the constable of Castile, see María de la Peña Marazuela and Pilar León Tello, eds., *Archivo de los duques de Frías: casa de Velasco*, 2 vols. (Madrid: Blas, S.A., 1955); for the *merced* of the *oficio de escribano mayor de las rentas de los diezmos de la mar* (1525), 1:228; for the appointment of the son of the constable to the *regimiento* of Toledo (1522), 1:408.

[20] Sandoval, *Historia del emperador*, 80:219.

cities lost primarily because the nobles came to Charles' rescue. For two years (1520–1521), the makeshift government in Spain, led by the admiral of Castile and constable of Castile, was essentially a military operation that was poorly funded and only gained momentum after the nobles who initially supported the cities came to fear for their own future as proprietary landowners and tax farmers.[21] As the chronicler Juan Maldonado explained it, the admiral of Castile and the constable of Castile forged a military regime in order to counter the communal movement that threatened their order.[22] Despite their differences in military policies, the hawkish constable and the conciliatory admiral agreed upon one common goal: the consolidation of their seigniorial interests, which entailed more than a mere restoration of Caroline power under the embattled king.[23]

There was a time when the nobles did not come to the rescue of the Habsburg king and were actually cooperating with the *comuneros*. In 1520, Charles lost revenues while many nobles looked on or even joined the *comunero* cause. Similarly, the *comuneros* acquired money and enlarged their army, thus gaining an early advantage through their control of royal revenues. One of Charles' agents in Castile warned him that "we do not have gunpowder and at present we have only a handful of muskets and pikes; moreover, because the *comuneros* confiscate assets and take over royal incomes with the help of lords, they attract as many bodies as they want while we go without men and money."[24]

The shortage of royal funds did not affect the ability of the military regime of the constable and admiral of Castile to neutralize the *comunero* movement. In fact, royal debt better served the aristocratic strategy in making Charles more reliant on them. The leaders of the military regime wanted a dependent king, for he would be more generous with privileges. The regime regularly told Charles how poorly the royalist effort was faring, and they alerted Charles to how fragile

[21] For equivalent scholarly claims, see Danvila, *Historia de las comunidades*, 35:458; Pérez, *La revolución de las comunidades*, 472–473.

[22] Maldonado, *De motu hispaniae*, 278–279.

[23] For similar argument, see Pérez, *La revolución de las comunidades*, 246: "la oposición entre ellos [the admiral and constable of Castile] era únicamente respecto a las vías y los medios, no sobre la meta a conseguir, que era idéntica: mantener y aumentar, si ello era posible, el poder social de la alta nobleza contra la subversión reprensentada por la junta."

[24] Ciphered letter by the admiral to Charles' agent, Ángelo de Bursa, Tordesillas, 23 Jan. 1521, Danvila, *Historia de las comunidades*, 37:73–74, 73.

his rule was without their support. For instance, in the beginning of the civil wars the constable of Castile warned Charles that their funds and munitions were in short supply and dwindling, while the *comuneros* gained additional support and fighting men.[25] Loyalists in charge of royal revenues, which at this time came from American imports and the military orders, described the royal cause as totally impoverished.[26] These alerts of shortages were tactical, for they accentuated how much the aristocrats invested in Charles' cause.

On December 5, 1520, the Caroline regime and allied lords under the constable of Castile and admiral of Castile took the first step in reducing the *comunero* coalition. Royalists attacked the *junta* of Tordesillas and saved the queen, who shared the grievances of the *comuneros.* According to Pedro Mexía, the victory of Tordesillas was "the starting point and the road to undercut the rebellion and tyranny of the *comunidades*. . . ."[27] The *comuneros* no longer had the support of Queen Juana, who was confined; but the admiral of Castile allowed the *comuneros* to escape from the city because he wanted to secure a non-violent resolution and enhance the noble alliance as the legitimate restoration.

After the royal victory of Tordesillas, the royalists engaged in their second strategy: to make Charles more dependent on them and to control the radical upsurge of the *comunidades* that no longer had Queen Juana under their supervision. The admiral successfully campaigned to get the queen, but he did not want to attack the *comunero* forces in Villabrágima and Valladolid.[28] He certainly wanted to undermine the *junta*'s claim by deposing its queen. Moreover, by not consolidating the seigniorial victory of Tordesillas (thereby prolonging the life of the communal restoration), the admiral and his aristocratic alliance conserved, as much as possible, their personal assets. While utilizing royal resources to the fullest extent, the admiral and his allies avoided warfare within or in close proximity to their estates and villages. It was widely rumored that many lords did not fight to defend Charles but to accumulate more assets. Adrian explained precisely this situation to Charles:

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[25] The constable of Castile to Charles, Burgos, 4 Dec. 1520, Danvila, *Historia de las comunidades*, 36:622–623, 623.

[26] AGS, Estado, leg, 8, fol. 132, Francisco Vargas to Charles, Burgos, 9 Sept. 1521.

[27] Mexía, *Relación de las comunidades*, 394.

[28] Adrian to Charles, Medina de Rioseco, 4 Dec. 1520, Danvila, *Historia de las comunidades*, 36:624–629, 627.

> Many people over here say that the grandees use royal assets to retake and defend their villages, and that they are not fully dedicated in serving your majesty; moreover, the grandees do not use their own money to pay for the housing of royal soldiers, but rather use the money that is yours. Others suspect and openly say that the nobles look for ways to perpetuate the length of this war, because it will make your majesty more dependent on them while permitting them to enlarge their estates.[29]

When the loyalists defeated the *junta* of Tordesillas on December 5, 1520, the noble clans completed the first of two stages that would gain them their goals of securing privileges and obtaining offices. Immediately after this victory, the admiral of Castile advised Charles to give thanks to God and to give rewards to the knights who risked their lives to take Tordesillas.[30] The royal distribution of *merced* was critical to the nobles, but they also sought Charles' return. Certainly, the admiral hoped that Charles would return soon to Spain, but he wanted the young king to arrive with a programmatic policy of royal beneficence that would include rewards for the loyalists and a universal pardon for the majority of the Castilian taxpayers. "I always beg for your universal pardon of these kingdoms," the admiral wrote, "because you [Charles] are the one who will gain the most from it, but also you must come to Spain immediately, otherwise everything will be lost."[31]

If the loyalists wanted to get maximum benefits, they had to finish the job for Charles. With the coming of spring, the royalists knew that the rebel forces would need additional supplies and food. The *comunero* army wintered in Torrelobatón, but it could only survive if it traveled to the city of Toro for reinforcements. The royalists trapped the *comuneros* on a ridge below the plateau where the town of Villalar stood. The royalist victory at Villalar on April 23, 1521 eliminated the possibility that Spain would be a republic of cities. The victory gave Charles proof of noble loyalty and sacrifice: broken necks hanging above the blood-soaked ground of 500 dead defenders of the federation.[32]

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[29] Adrian to Charles, Medina de Rioseco, 4 Dec. 1520, Danvila, *Historia de las comunidades*, 36:624–629, 627.

[30] The admiral of Castile to Charles, Tordesillas, 4 Dec. 1520, Danvila, *Historia de las comunidades*, 36:630–631, 630.

[31] "siempre le suplico por el perdón general destos reynos pues SA es quien recibe la mayor obra y que venga y presto si no va todo perdido" (ciphered letter by the admiral of Castile to Charles' agent, Ángelo de Bursa, Tordesillas, 23 Jan. 1521, Danvila, *Historia de las comunidades*, 37:73–74, 74).

[32] Mexía listed 500 dead. *Relación de las comunidades*, 406. Sandoval claimed the death toll was over 100, including 400 casualties and over 1000 captured, *Historia del emperador*, 80:434–439, 436.

This bloodbath was followed by sustained *merced* policies that included universal pardons for the survivors of the rebellion, minimal punishments for the majority of the *comuneros*, and rewards for the defenders of the Caroline monarchy.[33] By the end of 1522 Charles was reputed to have said, "Enough spilling of blood!"[34] With these words, Charles began his program of mercy, announcing on All Saints' Day (October 28, 1522) the pardon of all *comuneros* except for a handful of leaders.[35] The admiral led the way in a stabilization program. He advanced the policy of giving municipal offices to royalists only, while forbidding city council members who supported the *comuneros* from holding on to their jobs. "Your majesty has mandated not to remove council offices from the pardoned," the admiral wrote, "and if this order has been implemented, it must be revoked." The admiral wanted Charles to send him a new order, because "we have not taken such offices, but merely given *regimientos* to men who have served very well."[36]

By the end of 1521, the grandees began their solicitation campaign, asking Charles to concede habits of the military orders to men who fought for him.[37] After the civil wars, Charles took advantage of the royal victory by shoring up the loyalist alliance with a range of compensations. He permitted the confiscation of assets from many of the condemned *comuneros*, including the income of the bishop of Zamora,

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[33] On Charles' pardon, see AGS, Estado, leg. 10, fols. 25–28, 28 Oct. 1522, "copia del perdón general que el emperador hizo á los comuneros y las comunidades de Castilla exceptando algunas personas."

[34] Mexía, *Historia del emperador*, 320.

[35] AGS, Estado, leg. 10, fols. 26–28. For the pardon in Valencia, see García Cárcel, *Las germanías*, 193.

[36] "VM manda que no se sequestren los regimientos de los exceptados y si esta hecho que se revoque y para ello enbia VM cédula nosotros no hemos secuestrado sino dado los dichos regimientos a personas que han muy bien servido," (the admiral of Castile to Charles, Victoria, 26 April 1522, AGS, Estado, leg. 10, fol. 17).

[37] For a handful of requests, see AGS, Estado, leg. 8, fol. 149, the admiral of Castile to Charles, 27 Dec. 1521; Estado, leg. 8, fol. 226, the admiral to Charles, 27 Feb. 1521; Estado, leg. 8, fol. 129, Diego de Carvajal to Charles, Toledo, 11 Sept. 1521; Estado, leg. 8, fol. 115, Adrian to Charles, Logroño, 5 Aug. 1521; Estado, leg. 8, fol. 116, the marquis of Denia to Charles, Tordesillas [1521]; Estado, leg. 8, fol. 88, the duke of Medina Sidonia to Charles, Seville, 22 April 1521; Estado, leg. 8, fol. 139, the duke of Béjar to Charles, 1 Oct. 1521; Estado, leg. 8, fol. 244, the marquis of Villena to Charles, Escalona, 1521; Estado, leg. 8, fol. 245, the marquis of Villena to Charles, 22 Nov. 1521; Estado, leg. 8, fol. 259, the marquis of los Vélez, 16 Oct. 1521; Estado, leg. 8, fol. 273, the admiral of Castile to Charles, Tordesillas, 15 April 1521, "en favor de don Iñigo de Mendoza."

in order to provide loyalists with payments.[38] Charles responded to many requests for privileges and offices from city council members, judges, and government officials who stood on Charles' side throughout the civil wars.[39] He agreed, however, not to make reparations a right for nobles or royalist vassals who lost incomes and properties during the civil wars.[40] Charles compensated select victims, but did not make reparations a consistent policy.[41]

In November 1522, Charles gave *mercedes* to staunch defenders of the Habsburg dynasty.[42] He began the sale of confiscated assets of many *comuneros* in public auctions, kept valuables such as jewelry to give away personally and rented out properties until an appropriate sale emerged.[43] Beginning in 1522, the major winners of Charles' right of patronage were his closest advisors and lenders. Dr. Nicolás Tello of the Council of Castile received 133 ducats; a client of the archbishop of Seville, who was a leading officer of the Council of the Inquisition, got a position in the tribunal of Murcia; the royalist *corregidor* of Badajoz, Diego de Avila, was awarded three horses and two slaves of the *comunero* Pero Laso de la Vega.[44] Charles also obtained a cardinal's hat for the president of the Council of Castile, Antonio Rojas Manrique.[45] After the civil wars, the bishop of Oviedo founded his college with the help of a government bond.[46] Charles promoted the archbishop of Santiago, Alonso Fonseca III, to the archdiocese of

[38] AGS, Estado, leg. 8, fol. 135, the bishop of Oviedo to Charles, Burgos, 19 Sept. 1521; Pérez, *La revolución de las comunidades*, 484–492.

[39] These are just a small number of royal concessions: AGS, Estado, leg. 8, fol. 203, "Luis Sarmiento recibe merced"; Estado, leg. 8, fol. 205, "Luis de Zúñiga"; Estado, leg. 8, fol. 206, "Rodrigo Bazán"; Estado, leg. 8, fol. 207, "Pedro Mendoza"; Estado, leg. 8, fol. 208, "Juan de Luna, merced de SM"; Estado, leg. 8, fol. 296, Granada, 1522, "para que a don Antonio de la Cueva corregidor de Granada se le paguen 500 ducados": Estado, leg. 9, fol. 26, "salario para el Dr. Juan de la Cueva, regidor de Úbeda"; Estado, leg. 9, fol. 63, the admiral to Charles, Victoria, 8 Dec. 1521, "gracias por la merced que al obispo de Palencia hizo en el dar el capello"; Estado, leg. 10, fol. 175.

[40] Petition 17, 1523 Cortes, Valladolid, CLC, 4:370.

[41] Petition 50, 1523 Cortes, Valladolid, CLC, 4:380. On reparations, see Pérez, *La revolución de las comunidades*, 650–665. For reparations in Valencia, see García Cárcel, *Las germanías*, 198–207.

[42] AGS, Estado, leg. 10, fols. 111–112, Ghent, 11 May 1522, "consulta de mercedes."

[43] Pérez, *La revolución de las comunidades*, 640.

[44] Danvila, *Historia de las comunidades*, 39:510–511.

[45] AGS, Estado, leg. 9, fol. 61, the count of Miranda to Charles, Vitoria, 7 Dec. 1521; Estado, leg. 9, fol. 63, the admiral of Castile to Charles, Victoria, 8 Dec. 1521.

[46] AGS, Estado, leg. 10, fol. 63, the bishop of Oviedo to Charles, Vitoria, 16 Feb. 1522.

Toledo and placed a number of the prelate's relatives in offices.[47] The leader of the royalist pack was Secretary Cobos, who took the gold chain worn by the military leader of the *comuneros*.[48] Charles gave his secretary, Juan de Bozmediano, a council seat (*regimiento*) in Segovia.[49] Bozmediano became Charles' finance secretary, handling negotiations with the Fuggers.[50] Charles' *converso* banker, Alonso Gutiérrez de Madrid, also received a symbolic payment of twenty-six ducats from the assets of a number of Salamanca *comuneros*.[51] Gutiérrez became one of Charles' main bankers; he sold government bonds and leased ecclesiastical-based incomes to the Fuggers and the Genoese.[52] Charles returned the favor by providing Gutiérrez with a city council seat in Granada, and gave Gutiérrez's son a command in the military order of Calatrava.[53] These *mercedes* came in spite of the fact that Gutiérrez had loaned Juan Padilla, the military leader of the *comuneros*, 800 ducats.[54]

Charles gave jobs to nobles whose properties were sacked or destroyed, and to the grandees who organized loyalist offensives, providing incomes to the marquis of Aguilar and the members of the recently established Council of War, which included Alvaro Téllez and the constable of Castile's client, Rodrigo Manrique.[55] The admiral and the count of Haro (Pedro Fernández de Velasco) also did not fail to

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[47] AGS, Estado, leg. 9, fol. 91, 7 Sept. 1524?

[48] Danvila, *Historia de las comunidades*, 39:517.

[49] Peréz, *La revolución de las comunidades*, 648.

[50] For contracts with the Fuggers regarding the bulls of crusade, see AGS, Estado, leg. 14, fol. 158, 1526; Estado, leg. 20, fol. 15, Tavera to Charles; Estado, leg. 20, fol. 22, Tavera to Charles.

[51] Peréz, *La revolución de las comunidades*, 648.

[52] AGS, Patronato Real, leg. 26, fol. 30, Toledo, 4 Feb. 1529, "para cumplir el memorial de los 300 mil ducados"; Patronato Real, leg. 26, fol. 33, "poder para que juntamente con los del consejo de la hacienda entendiesen en las ventas y otras cosas de que se avían de sacar 300 mill ducados"; Estado, leg. 18, fol. 162, Gutiérrez to Charles, Toledo, 4 June 1529?; Estado, leg. 20, fol. 15, Tavera to Charles, Madrid 6 June 1530?, "asiento con alemanes para buscar dinero"; Estado, leg. 20, fol. 22, Tavera to Charles.

[53] On the council of Granada, see AGS, Estado, leg. 19, fol. 252, the Empress to Charles, Madrid, 13 Sept 1530. For the *merced* of the *tenencia*, see Estado, leg. 25, fols. 172–173, fol. 172.

[54] Fidel Fita, "Los judaizantes españoles en los cinco primeros años (1516–1520) del reinado de Carlos I: investigación histórica," BRAH 33 (1898): 307–348, 308–310.

[55] On the salaries of the councilors of the Council of State and War, see AGS, Estado, leg. 11, fol. 11. On Manrique, see AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 39, fol. 297, "merced de 100,000 maravedis del salario de consejero." The constable was his protector and had requested Manrique's elevation to the Council of War (AGS, Cámara de Castilla, leg. 3, sf., 24 May 1521).

benefit, as Charles provided the admiral's clients with royal positions.[56] The constable placed his clients, such as the count of Castro, in Charles' court.[57] Charles supported the protector of Queen Juana, the marquis of Denia (Bernardo de Sandoval y Rojas) as well, by giving Denia's clients domestic offices of the royal household.[58] Almost every noble family who did not participate in the *comunero* cause was able to send sons to serve in Charles' court as military defenders (*gentiles hombres*) and court servants (*camareros*).[59]

In 1522 Charles drew up a list of claimants for reparations.[60] These rewards were either special requests or jobs and assets confiscated from the *comuneros*. Of the 139 claimants in the account of 1522, thirty-six received prompt compensations. One of the petitioners was Juana Pimentel, who wanted the body of her son, a *comunero* killed in Simancas, moved to the family graveyard in Salamanca. Charles granted her this wish as well as compensating a royalist *procurador* of Valladolid whose home was destroyed by the *comuneros*.

Procuradores who remained loyal during the revolution received *mercedes*.[61] Charles, for example, gave to a *procurador* of Zamora the home of one of the *comuneros*, because he had lost his house during the revolution. A judge of Ciudad Rodrigo, too, got Charles' promise of a quick *merced*. Charles changed the *mayorazgo* of a large landowner of Valladolid, Alonso Niño de Castro, so that Niño could break up his land and sell it to developers. One of the captains of the royalist army who defeated the *comuneros* in Villalar, Juan de Rojas, received ransom money for capturing the *comunero* Francisco de Gricio. Another recipient of Charles' *merced* was an experienced *corregidor* of numerous cities since 1502, Diego Osorio. Osorio was the brother of a revolutionary

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[56] AGS, Estado, leg. 9, fol. 145, the admiral to Charles, Vitoria, 7 Nov. 1521, "por Alonso de Guzmán, criado del conde de Haro"; Estado, leg. 10, fol. 35, the marquis of Denia to Charles, Tordesillas, 9 Feb. 1522; Estado, leg. 10, fol. 82, the admiral of Castile to Charles, Vitoria, March 1522; Estado, leg. 10, fol. 84, the admiral of Castile to Charles, Vitoria, 5 Feb. 1522; Estado, leg. 10, fol. 86, the admiral of Castile to Charles, Vitoria, 26 March 1522.

[57] AGS, Estado, leg. 10, fol. 83, the constable of Castile to Charles, Vitoria, 9 Feb. 1522; Estado, leg. 10, fol. 85, the constable to Charles, Vitoria, 25 March 1522, "merced para conde de Castro."

[58] AGS, Estado, leg. 10, fol. 35, the prior of San Juan to Charles, Ocaña, 9 Feb. 1522.

[59] On Charles' appointment of nobles to his court, see AGS, Estado, leg. 11, fols. 44–61.

[60] AGS, Estado, leg. 10, fol. 115, 1522, "los que piden oficios y bienes confiscados."

[61] For *mercedes* for *procuradores*, see AGS, Estado, leg. 9, fol. 130.

leader, the bishop of Zamora;[62] Charles rewarded Osorio's defensive efforts by making him a *gentil hombre* and placing him in the Empress' court.[63] Another royalist defender was Pedro de Bazán, and he was given numerous assignments as *corregidor*.[64] Bazán wanted Charles to give him a bond or at least the property of a *comunero*, because *comuneros* had burned his home in Toro. In 1523 the judges of the Chancery of Valladolid decided that the city of Toro had to give Bazán 1,013 ducats.[65] Because the *comuneros* confiscated incomes and destroyed properties of numerous nobles, Charles literally checked off many aristocrats who were the first to receive compensations, and they included the admiral of Castile, the duke of Nájera (Antonio Manrique de Lara), the duke of Medinaceli (Juan de la Cerda), the marquis of Astorga (Alvar Pérez Osorio), the marquis of Aguilar (Luis Fernández Manrique), the marquis of Denia, the count of Alba de Liste (Diego Enríquez de Guzmán), the count of Miranda (Francisco de Zúñiga), the count of Ribadavia (Juan Hurtado de Mendoza), the count of Castro (Bernardo de Sandoval y Rojas), and the count of Fuensalida (Alvaro López de Ayala).[66]

Charles also gave to the Council of Castile the task of making reparations, which took over ten years of litigation and another ten in which payments of damages was finally made. Charles was careful not to let these types of claims overrun his appellate system; only a few cases went before the king's judges. Limiting the cases that went to the appellate courts reflected Charles' decision to make reparations via his *merced* policy. Nevertheless, in 1525 the Council of Castile authorized the countess of Chinchón to collect from villages of Segovia 4,266 ducats, and in an appeal case in the Chancery of Valladolid, the court in 1531 awarded her damages amounting to 26,182 ducats from the

[62] For his *corregimiento* in Burgos, see Pérez, *La revolución de las comunidades*, 166–168. For the *residencia* of his *corregimiento* in Córdoba, see Danvila, *Historia de las comunidades*, 39:473–478.

[63] For his term as *gentil hombre*, see AGS, Patronato Real, leg. 70, fol. 71. On his appointment to the court of the Empress, see Estado, leg. 26, fol. 143, Madrid, 1528? "Lo que agora sus magestades proveen en lo de la casa de la emperatriz." For salaries, see Escribanía Mayor de Rentas, Quitaciones de corte, leg 12, fols. 404–407.

[64] For Bazán's *corregimientos*, see AGS, Estado, leg. 10, fol. 114, leg. 27, fol. 313 and leg. 13, fol. 191.

[65] Pérez, *La revolución de las comunidades*, 658.

[66] AGS, Estado, leg. 10, fol. 115, 1522, "los que piden oficios y bienes confiscados." This list includes the names of the solicitors and a check designating the solicitor receiving the request from Charles.

culpable villages of Madrid.[67] The admiral of Castile was the lord of the village of Torrelobatón, which was looted and damaged by the *comunero* army of over 5,000 soldiers. In 1533 the Council of Castile awarded the admiral a settlement of 18,666 ducats to be paid by the cities of Valladolid, Toledo, Medina del Campo, Salamanca, Segovia, Avila, Zamora, Madrid, Toro, and León.[68] In 1521 the count of Benavente (Alonso Pimentel) as well went to the king's appellate court in Valladolid, seeking damages amounting to 33,900 ducats. This claim went on for sixteen years, when at last the new count of Benavente was able to collect a portion of the settlement.[69]

Cases in the court necessitated lengthy deliberations, and judicial processes proved less efficient than the regal power of *merced*. Thus Charles devised a better and quicker way to appease the aristocrats who suffered damages and who wanted prompt action; he secured and increased the *mayorazgos* of the great houses of the Toledo, Velasco, Osorio, Pacheco, Rojas, Sandoval, and others.[70] *Mayorazgos*, the famous *mercedes enriqueñas* established by the founder of the Trastámara dynasty, Enrique II (1369–1379), were perpetual trusts. The king was the trustee with the self-appointed power to execute noble trusts.[71] Charles started with the constable of Castile and his wife, the duchess of Frías, who received a range of privileges and perpetual trusts for their children.[72] In 1523, the marquis of Priego (Pedro Fernández de Córdoba) enlarged

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[67] Filemón Arribas Arranz, "Repercusiones económicas de las comunidades de Castilla," *Hispania* 18 (1958): 505–546, 508–509.

[68] Arribas Arranz, "Repercusiones económicas," 510–512.

[69] Pérez, *La revolución de las comunidades*, 656.

[70] For a few cases of noble families receiving *mercedes*, see Rafael Sánchez Domingo, *El régimen señorial en Castilla Vieja: la casa de los Velasco* (Burgos: Universidad de Burgos, 1999), 129–142; José Antonio Martín Fuertes, *De la nobleza leonesa: los Osorio y el marquesado de Astorga* (León: G. Monterreina, 1988), 98–107; and Ignacio Atienza Hernández, *Aristocracia, poder, y riqueza en la España moderna: la casa de Osuna, siglos XV–XIX* (Madrid: Siglo Veintiuno Editores, 1987), 77–95.

[71] The king could alienate properties or possessions of the trust. If a nobleman or widow of a noble estate wanted to make a change to the trust he or she first had to obtain royal permission. As trustee, the king could remove property and incomes from noble estates, and these nobles were unable to modify their trusts unless confirmed by the king. In such situations, the king applied his absolute power to change these inheritances.

[72] AGS, Estado, leg. 10, fols. 11–15. See also the inventory compiled by Peña Marazuela and León Tello, *Duques de Frías*, 1:6, 37, 414, and 522. Other graces followed: AGS, Estado, leg. 9, fol. 123, the constable of Castile to Charles, "el priorazgo de Aracena que hizo merced a Ulloa." For an inventory of Charles' grants of such *mercedes*, see Cámara de Castilla, Libros de Relación, legs. 1–5. This inventory begins in 1528 (it is not catalogued).

his patrimony as the king granted him the *mayorazgo* to incorporate his estate with his wife's inheritance.[73]

Charles next supported the level of the elite below the aristocracy. In 1522 Charles gave offices to the family members of city councilmen and *procuradores* who were murdered by the *comuneros*.[74] He also gave privileges to *procuradores* who remained loyal to him.[75] *Procuradores* from Cuenca, Valladolid, Avila, Zamora, Segovia, Seville, and Granada received jobs or privileges. For example, for services during the civil wars and sessions of the Cortes, Jorge de Portugal was elevated to a countship in 1529 after he purchased the town of Gelves in 1527 for 26,666 ducats from the duchess of Frías.[76] Luis Sarmiento, the *procurador* of Burgos, became a *gentil hombre* of Charles' court and served as ambassador to Portugal; his nephew received a scholarship and a chaplaincy.[77]

Charles assured the continuity of *merced* for the urban elites who had provided military assistance against the *comuneros* during the civil wars. He supplemented the incomes of his defenders by giving them jobs when they became available.[78] He did not create new positions in his court, nor did he intervene in local governments by creating offices. He also refrained from creating new municipal districts in order to expand employment opportunities. The only change Charles made was to increase the number of *corregimientos*. *Corregimientos* were the only royal offices at the local level, in the cities and towns. *Corregidores* represented the king and his justice, so Charles had to place loyalists when a post opened up for a *corregimiento*.

Charles was also very judicious about appointments to city offices, especially *regimientos*. *Regidores* were councilmen appointed or confirmed

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[73] Juan Manuel Valencia Rodríguez, *Señores de la tierra: patrimonio y rentas de la casa de Feria, siglos XVI–XVII* (Badajoz: Editora Regional de Extremadura, 2000), 94; *Floreto de anécdotas y noticias diversas que recopiló un fraile domínico residente en Sevilla a mediados del siglo XVI*, MHE, 48 (Madrid: Imprenta e Editorial Maestre, 1948), 90.

[74] For a small number of recipients, see Danvila, *Historia de las comunidades*, 39:447–450, 39:509–536.

[75] For list of recipients, see AGS, Estado, leg. 9, fol. 130. For Trastámara precedents of the royal concession of privileges and incomes to *procuradores*, see Carretero Zamora, *Cortes, monarquia, ciudades*, chapter "Beneficios de la procuración: salarios, mercedes, privilegios."

[76] On Portugal's title of count, see AGS, Estado, leg. 18, fol. 36, Toledo, 30 June 1529. For his purchase of Gelves, see Antonio Herrera García, "La venta de la villa de Gelves a don Jorge de Portugal en 1527," *Archivo Hispalense* 189 (1979): 199–204.

[77] AGS, Patronato Real, leg. 70, fol. 71.

[78] On the royalists nobles who provided military service in the revolution, see Mexía, *Relación de las comunidades*, 392; Sandoval, *Historia del emperador*, 80:354.

by the king. In their office, they did not represent the king and they did not serve the crown, that is, they did not function as royal officials or government employees. They earned their positions, usually tied to tax exemptions, due to service and loyalty to the monarchy, but once they were in public office they functioned as city magistrates.[79] Since the fourteenth century monarchs had appointed councilors "to implant their ultimate jurisdiction over municipal affairs," but such efforts to impose jurisdiction were attempts to garner royal support during rebellious times.[80]

Charles appointed councilmen based on lists submitted by powerful lords; these were short-listed by the Council of Castile and its president, Juan Tavera. As he went about appointing councilmen in the aftermath of the civil wars, Charles paid close attention to the requests of aristocratic loyalists. The admiral of Castile, the constable of Castile, and Adrian of Utrecht insisted on the policy of preferences based on the criteria of past service and loyalty.[81] But the problem for the loyalists was that the available *regimientos* were far less numerous than the men who felt they deserved a city council seat. The nobles did not stop soliciting jobs, however; constantly on the alert, they fought for a position whenever one became vacant.

Charles also appointed royalist nobles to local magistracies, especially in the cities that advanced the revolution. The marquis of Villena (Diego López Pacheco), for example, wanted Charles to give one of his nephews the vacant *regimiento* of Toledo, but apparently he was made to look for other openings for his relative. For vacancies in the city council of Córdoba, the constable of Castile competed with relatives of the admiral of Castile and the marquis of Priego. Similarly, the constable solicited an opening in the city of Jaén for his client, Bernardo de Torres, along with Charles' military officers in Milan and the royalist *corregidor* of Toledo (1519–1522), Antonio de Córdoba.[82] Certain nobles received instant gratification; the count of Palma (Luis Puertocarrero),

[79] On their functions and responsibilities, see Miguel Angel Ladero Quesada, *Las ciudades de la corona de Castilla en la Baja Edad Media (siglos XIII al XV)* (Madrid: Arco Libros, 1996), 56–58.

[80] Owens, *Authority*, 31.

[81] AGS, Estado, leg. 9, fols. 63, 65–66, 72, 73, and 77.

[82] AGS, Estado, leg. 13, fol. 51. Antonio de Córdoba was sent to Jerez de la Frontera in May 1522 (Estado, leg. 27, fol. 313–318, Santander, 16 July 1522, "relación de los corregidores").

for instance, gained tax-farming privileges and a *regimiento* of Écija.[83] Charles did not forget how quickly the count of Palma, the *corregidor* of Toledo in 1517, defended the claim of the newly appointed archbishop of Toledo, the twenty year-old foreigner, William of Croy.

Charles had many loyal subjects and his grants of *mercedes* seem endless. In 1523 Charles made a record of a handful of his vassals and an immense number of subjects who deserved *mercedes* or offices in the administration and court.[84] Piles of solicitations continually grew higher and higher, but the number of jobs did not increase. During the years 1524 and 1525, Charles started to use his bureaucracy to assist him in his task. He gave the Council of Castile the assignment of sifting through the hundreds of petitions from royalists and *procuradores* who solicited repayment for unpaid service and losses incurred during the civil wars.[85] In 1529 Charles relied even more heavily on the *cámara de Castilla* to manage the piles of solicitations. Conceding privileges was a full-time job and Charles needed a dependable staff upon whom he could rely for handling the most delicate of issues. The composition of the *cámara de Castilla* reflected the intention of the Catholic Monarchs to create a political mechanism that would "deal with matters of royal grace and privilege, by means of makeshift decisions and 'extra judicial' order."[86] The *cámara* comprised the king's most trusted Castilian advisors. It was not a legal court; rather it was an office that handled *merced*. Beginning in 1522 Charles prohibited Burgundian advisors from having a place in the *cámara*. Charles instead relied on Secretary Cobos and, in 1524, on President Tavera of the Council of Castile (1524–1539) and archbishop of Santiago (1524–1533).[87] Both of these men were

[83] AGS, Estado, 9, fol. 149, the count of Palma to Charles, Toledo, 1522?; Estado, leg. 10, fol. 49, 15 March 1522.

[84] AGS, Estado, leg. 11, fol. 27, Pamplona, 1523.

[85] AGS, Estado, leg. 13, fols. 232– 233, Toledo, 27 Aug. 1525, "Consulta y asuntos del consejo: los oficios que están vacos y las personas que suplican por ellos"; Estado, leg. 13, fol. 234, 1525, "Memorial de la consulta que tuvo SM de lo que se hizo con los procuradores de las Cortes de Toledo"; Estado, leg. 13, fols. 236–237, "La consulta de Madrid del año de 1525."

[86] "Es muy significativa la existencia en ella [cámara de Castilla] de elementos mixtos o híbridos en la composición de la cámara, de consejeros letrados y secretarios regios, para atender a las competencias de gracia, merced y patronato real, mediante un procedimiento de expediente, de orden extrajudicial" (Dios, *Gracia, merced, y patronazgo real*, 127).

[87] For a short survey of President Tavera, see María de Cardona, *El Cardenal Tavera: colaborador del pensamiento politico de Carlos V*, Conferencia pronunciada en la escuela diplomática el día 15 de marzo de 1951 (Madrid: Imprenta del Ministerios de Asuntos

Castilians, and their sharing of political power permitted Charles to attend to imperial politics and to rule Spain through regencies and from afar. Cobos' son-in-law, Juan Vázquez de Molina, along with Tavera and Luis González de Polanco of the Council of Castile, ran the normal operations of the *cámara* during the regency of 1529–1532. They received all petitions and, upon consultation with Charles and Cobos, issued decrees, letters patent, and official documents with the king's seal granting a concession.

The functions of the *cámara de Castilla* could be classified into twelve broad categories related to the concession of special privileges and the implementation of patronage policies: the convocation of the Cortes, *patronato eclesiástico* or ecclesiastical offices and incomes granted to clerics, titles of nobility, tax exemptions, the concession of royal offices, the act of naturalizations, the grace of pardons, the legalization of illegitimate children, the privileges of establishing or increasing entailed estates, the provision of military assignments, instructions and orders for auditors and investigators, the concession of financial privileges (such as government bonds, tax farming contracts, the sale of jurisdiction, monopolies, mining rights, the printing of money, and the renunciation of royal fortresses), and finally the concession of incomes and offices of the military orders.[88] President Tavera, Juan Vázquez de Molina, and Luis González de Polanco also decided which royal mandates went to the judicial councils for implementation.[89] Vázquez de Molina was ultimately responsible for the distribution of Charles' *merced* during the regency of 1529–1532. Legitimations, the trusteeships of entailed estates (*mayorazgos*), pardons, notary offices (*escrivanías*), and city council seats (*regimientos*) granted by Charles fell upon Vázquez de Molina for their implementation, but he could not alter any royal decision except by Charles' direct order. As late as 1533, the Council of Castile and the *cámara* handled petitions from loyalists who continued soliciting

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Exteriores, 1951); Ignacio J. Ezquerra Revilla and Henar Pizarro Llorente, "Pardo de Tavera, Juan," in *La corte de Carlos V*, 3:316–325.

[88] My number twelve is based on Isabel Aguirre Landa's "Un formulario del consejo de la cámara del siglo XVI," in *Actas del congreso internacional: Felipe II (1598–1998), Europa dividida: la monarquía católica de Felipe II (Universidad Autónoma de Madrid, 20–23 abril 1998)*, ed. José Martínez Millán, 2 vols. (Madrid: Editorial Parteluz, 1998), vol. 1, 33–78. Aguirre Landa divides the functions of the *cámara* into fourteen categories. The two categories I do not use are "copias de escrituras" and "otros."

[89] AGS, Patronato Real, leg. 26, fol. 27.

mercedes in order to offset losses they claimed were incurred during the *comunidades*.

In 1522 Charles thus began to provide privileges to royalists and by 1529 he had formed an expert regime that assisted him in the management and distribution of *merced*. Seven years was sufficient time for Charles to know on whom to depend and on whom to bestow *merced*. Hence, on his return to Spain in 1522, Charles achieved the primary goal of forging an alliance with the men who fought for him. This alliance, however, had to be nurtured, and for this reason he used the institutions, in particular the Council of Castile and the *cámara de Castilla*, which previous kings had so effectively used in providing their allies with *mercedes* that subjects believed they deserved.

The Fiscal System of the Parliament

The cities supported the Habsburg dynasty, providing eighty percent of gross royal income in normal years.[90] During the civil wars, municipalities paid no taxes and gave no subsidies. Since Charles had proven negligent in his appointment of judges and violated municipal rights and constitutional law, which consisted partly of city charters and partly of the petitions of the Cortes, the cities believed they were under no obligation to finance an unjust king. In his first years as the king of Spain (1518–1520), Charles' problem was that he gave jobs to candidates who were considered unqualified by the cities. The consequence of Charles' Burgundian patronage was that he was an unpaid king. However, once he acquired better skills in providing *merced*, his municipal-based revenues fell into place.

The cities and towns did not have a new theory about government that they wanted to impose on Charles; rather they want him to protect their charters and privileges.[91] Their philosophy embraced kingship as the fount of justice, and the practice of royal justice entailed the confir-

[90] Miguel Angel Ladero Quesada claims that *alcabalas* and *tercias* "formaban la partida mayor de los ingresos ordinarios; partida que oscilaba en torno a un 80 por 100 de su total." *La hacienda real de Castilla en el siglo XV* (La Laguna: Universidad de La Laguna, 1973), 61.

[91] For the argument that fifteenth-century Spanish political thought, in particular the Aristotelianism of Rodrigo Sánchez de Arévalo, provided the reputed intellectual background the Castilian people held regarding the new monarchy of Charles, see Haliczer, *The Comuneros of Castile*, 139–144.

mation of privileges, especially for royal communities. The privilege of assembly gave the cities and towns of Castile the opportunity to control taxation and to negotiate laws and domestic reforms. In 1522, Castilian cities and towns with the right of parliamentary assembly (with status, that is, as voting members of the Cortes) numbered eighteen, representing twenty percent of the population. Municipal councils elected *procuradores* to the Cortes and usually one of the two representatives elected was a nobleman. Municipal councils (*concejos*) governed and taxed fifty percent of Castile's villages, constituting three-fourths of Castile's population. The cities and towns did not feel the need for a centralized government because city councils were fully autonomous and ruled with minimal royal interference. Each city and town governed according to its traditional customs and charter (*carta puebla*). More important than any other institution, the city council itself was the center of political and social life. City and town councils appointed judges (*alcaldes ordinarios*), police officers (*alguaciles*), treasurers (*mayordomos*), and clerks (*escribanos*). Municipal councils did not have jurisdiction beyond their municipal territory (*alfoz* or *término*), but their judges had the power to impose the death penalty throughout their territory, which included their subject villages. The king appointed city appellate judges (*corregidores*) for two-year terms to provide the legal assistance the city expected from the crown. Even though they represented the king, *corregidores* had authority only within the city's territory, and they could not hear cases arising in other jurisdictions, whether seigniorial, ecclesiastical, or other city governments.

City and town traditions were diverse, but the local municipal council always determined how its citizens interacted with the local government. The cities in Old Castile, that vast stretch of wheat fields extending north of the Sierra Guadarrama to the Picos de Europa, had a complex municipal structure of multiple councils.[92] For example, Burgos' *ayuntamiento* consisted of three voting blocs. The royal *corregidor*, six *alcaldes mayores*, and one *escribano mayor* formed one bloc having both *voz y voto*, that is, they could not only assert their position but they could also vote on any issue. The second voting bloc was the *regimiento* of over seventeen city councilmen who came from well-to-do families.

[92] For a concise overview of Castilian cities and their councils, see José Ignacio Fortea Pérez, *Monarquía y cortes en la corona de Castilla: las ciudades ante la política fiscal de Felipe II* (Salamanca: Cortes de Castilla y León, 1990), 179–202.

The third group, the *procuradores mayores*, did not vote but did represent the citizens of Burgos for one-year terms. It must be noted that every family head in Burgos could make his voice heard during sessions of the *cabildo*. Even more complex than Burgos' municipal organization, the *cabildo* of Soria had five distinct groups that participated in municipal elections. The first group consisted of the *regidores* who were either annually appointed or had received the royal privilege of a perpetual term. The social elites formed the second interest group, and representatives from the numerous villages subject to the lordship of Soria composed the third congregation. The farmers of Soria, the majority, also sent their delegates to vote in the city hall. The *hidalgos*, citizens granted royal privileges of exemption from the subsidies the Cortes voted to give the king (*servicios*), composed the fifth layer of Soria's voting citizenry. In the south, the former Taifa city-states, Seville for instance, developed unique city councils. Conquered from the Muslims, the cities of Andalusia usually had two representative bodies, the *regimiento* of twenty-four councilmen (*veinticuatros*) and the *cabildo* of *jurados*. The medieval kings of Castile established the precedent of granting their supporters a perpetual municipal term, the famous *veinticuatría*, a life-long term in the *regimiento*. The *jurados*, on the other hand, were elected by and represented their respective parishes. Depending on local custom, *jurados* were elected, chosen by sortition (decision by using lots), or followed a rotation.

One of the most important privileges of all the cities was the traditional safeguard protecting their jurisdictional control over the villages in their municipal territory. During the 1520s Charles did not change the structure of individual municipalities that were subject to the cities. Initially, Charles was careful not to sell municipal territory belonging to the cities, and specifically stipulated in the royal ordinances of 1529 that the Empress Isabel and her staff could not 'alienate' municipal territory from the cities.[93]

For over fifteen years, from 1522 to 1537, Charles did not compromise his relationship with the cities, his basis for a steady and secure income. By the mid 1530s, however, Charles devised a double-edged strategy that consisted of extending privileges of taxation to towns and villages

[93] AGS, Patronato Real, leg. 26, fol. 13, 2v, Toledo, 8 March 1529, "poder del emperador a la emperatriz para que no pueda dar ni donara ni ajenar cosa alguna de las ciudades villas y lugares vasallos ni jurisdiciones rentas pechos ni derechos ni otros servicios ni cosa alguna de los perteneciente a la corona real."

under the jurisdiction of the cities and 'reducing' (from the Spanish cognate, *reducción*) the jurisdiction of the cities by selling autonomy to their subject villages.[94] In 1537 Charles gave all towns, as the cities had, the privilege to farm their own taxes and decide for themselves if they wanted tax farmers to collect *alcabalas* and *tercias*. The deal of 1537 diminished the tax farming privileges of the cities of the Cortes because they no longer held a monopoly. After 1537 any royal town could farm its own taxes. This *encabezamiento* accord of 1537 reflected the aims of all municipalities to gain fiscal autonomy, and it was a step toward their own independence by purchasing their liberty.

During the years 1518–1533, Charles convoked the Cortes on six separate occasions with the intention of increasing tax rates and fattening subsidies.[95] *Encabezamiento* was the cities' preferred method of paying royal taxes. The cities mortgaged their assets as security and in turn they collected sales taxes (*alcabala*) fixed at 3.5 percent. The city council encumbered municipal assets as collateral for the taxes that the city owed the monarch; the council would then administer the collection of the sales tax in the market and pay the king at the end of the year.[96] For the duration of Charles' reign the cities limited increases of *alcabala* and *tercia* (the royal share of two-ninths of the tithe) rates.[97]

The *encabezamiento* of 1537 was Charles' first opportunity to weaken the fiscal power of the cities and towns of the Cortes. Charles spent over ten years, from 1522 to 1537, cultivating a relationship with the cities of Castile before he decided to eliminate the Cortes' monopoly on taxation and to extend the privilege of tax collection to all municipalities, cities and towns. In a sense, the *encabezamiento* of 1537 was the culmination of past taxation settlements, namely the *encabezamientos* of 1495,

[94] Nader defines *reducción* as "town or other municipality returned to royal jurisdiction" (*Liberty*, 231). I need to add that this return was a sale of municipal jurisdiction, especially when subjected villages purchased their liberty, becoming royal towns. The crown facilitated this process, incorporating the newly liberated town as a royal municipality, and then selling it to a lord. See Glossary.

[95] At this time Castile was divided into 128 districts under the *encabezamiento* system, and these in turn were subdivided into partials from which individuals were granted *juros* or annuities based on divisions of tax yields. See AGS, Contaduría Major de Cuentas, primera época, leg. 360.

[96] Nader shows a number of examples of how towns went through the option of *encabezamiento* (*Liberty*, 195–203).

[97] Charles Hendricks argues that between 1526–1535 the annual rate of increases in the *alcabala* and *tercias* was 1.1%, an increase that upset the *procuradores* of Cortes in 1534. *Charles V*, 226.

1523, and 1525. In 1495 Isabel of Castile introduced the *encabezamiento* as a privilege for a handful of city councils to collect the *alcabalas*. In 1523, after the *comunidades*, the representatives of the Cortes obtained this privilege for the cities of the Cortes that elected to comply with tax accords made in parliament or to negotiate directly with the king's tax farmers. The *procuradores* also augmented their privileges for their respective cities with a perpetual *encabezamiento* to be renegotiated in ten years, which Charles approved in 1534 and in 1536.[98] The *procuradores* who assembled in Toledo in 1525 added the collection of the *tercias* to the *encabezamiento* accord.

Charles also relied on *servicios*, annual subsidies granted by the cities. Unlike the *alcabala, servicio* amounts constantly changed. The Cortes of 1518 agreed to give Charles an immense subsidy of 544,000 ducats for three years. At Santiago and La Coruña in 1520, the cities were supposed to give 533,333 ducats. In 1523, the cities approved 410,666 ducats over three years. In Toledo in 1525, the *procuradores* granted the king 810,666 ducats, 400,000 ducats over three years and 410,666 ducats over a four-year period. Also at the Cortes of Toledo, the *procuradores* gained the privilege of the *encabezamiento* accord, to stay fixed for fifteen years.[99] To the north on the high plateau of Madrid, a year before Charles' departure in 1529, the cities sent their representatives to provide Charles with the security of 544,000 ducats, 410,666 ducats over three years and 133,333 ducats over two years. In 1532 the *procuradores* gave the emperor 490,666 ducats over two years. In effect, the cities set the amount of *servicios* that the king would receive every year.

In 1537 Charles made township a viable goal for many villages by making it clear they could win control over the farming of taxes within their municipal boundaries in return for becoming royal towns. The cities fought back in the only way they knew: by offering Charles large sums of money. In the Cortes of 1537 the cities of Castile offered Charles a *servicio* of *merced* of 58,666 ducats on top of a subsidy of 1,210,666 ducats over three years.[100] The *servicio* of *merced* was a bribe, a cash token of gratitude that amounted to over a hundred percent increase over what the cities had given to Charles each year for the previous ten

[98] Carande, *Carlos V*, 2:234.

[99] In compliance with the *encabezamiento* accord of 1525, *servicios* amounted to 304 *cuentos* spread out in four years: 150 ordinary *servicios* (AGS, Patronato Real, leg. 70, fol. 9, Toledo, 7 June 1525, "Servicio otorgado de 150 *cuentos* introducido por el procurador de Burgos, Dr. Zumiel") and 154 extraordinary (Hendricks, *Charles V*, 220, table 1).

[100] Carande, *Carlos V*, 2:520, 537.

years. The cities also hoped that increases in *servicios* would dissuade Charles from alienating their municipalities, or from selling autonomy to villages under the jurisdiction of the cities. The *procuradores* of the Cortes wanted Charles to promise to uphold their petitions, specifically the one that tied his hand: he could not to sell the *merced* of autonomy to villages subject to the authority of the cities.[101]

Contrary to what the cities wanted, however, in 1537 Charles began to sell the commodity of liberty to villages under the lordship of the cities of Castile.[102] Beginning with the city of Guadalajara, Charles sold autonomy to the village of Horche.[103] In effect, Charles manipulated the long-standing conflict between city and village, generating income from the proceeds of such sales, securing the loyalty of the new royal towns, and curtailing the fiscal power of the cities. Charles' strategy worked because he made township, together with the privilege of tax collection granted to all royal towns, a feasible ambition for municipalities. By 1537 Charles had the leverage to generate additional municipal-based revenues. He could not increase tax rates, but the cities of the Cortes now had to deal with the problem of subject villages raising cash in order to buy their autonomy from the crown.

Charles also sold towns of the military orders to the rich, including Secretary Cobos, Pedro de Zúñiga, Alvaro de Bazán, the duke of Béjar (Alvaro de Zúñiga), the duke of Alba, and many other lords.[104] By targeting the towns of the military orders Charles could avoid any criticism that he discriminated against the cities. In 1537, for example, Charles sold the town of Villanueva del Ariscal, which was under the jurisdiction of the military order of Santiago, to the count of Gelves (Jorge de Portugal).[105] By the end of the 1530s Charles succeeded in selling self-jurisdiction to additional towns previously subject to the

[101] Petition 40, 1537 Cortes of Valladolid, CLC, 4:655.

[102] For details on selling town charters to villages, see Nader, *Liberty*, 1–16.

[103] For town of Horche, previously under the jurisdiction of Guadalajara, see Nader, *Liberty*, 159.

[104] José Cepeda Adán, "Desmortización de tierras de las órdenes militares en el reinado de Carlos V," *Hispania* 146 (1980): 487–528; AHN, Sección Estado, leg. 2,758, apartado 2, "Relacion de las tierras y lugares pertencientes a las mesas maestrales de las órdenes militares vendidas entre 1538 y 1551"; Jerónimo Lopéz-Salazar Pérez, "Las dehesas de la orden de Calatrava," in *Las órdenes militares en el Mediterráneo occidental (XII–XVIII): coloquio celebrado los días de 4, 5, 6 de mayo de 1983*, ed. Casa de Velázquez (Madrid: Casa de Velázquez, Instituto de Estudios Manchegos,1989), 249–290.

[105] Antonio Herrera García, "La venta de Villanueva del Ariscal al conde de Gelves, 1537," *Archivo Hispalense* 206 (1984): 3–22; AGS, Escribanía Mayor de Rentas, Mercedes y Privilegios, leg. 353, fol. 3, Toledo, 10 Dec. 1538.

jurisdiction of the military commanders of Calatrava, Santiago, and Alcántara.[106] Although earlier monarchs had alienated villages from disorderly cities and disloyal nobles for political reasons, Charles began systematically to grant the *merced* of township to hundreds of villages in exchange for huge cash services. Charles was able to change the *encabezamiento* in 1537 because he had implemented the majority of the domestic policies formulated by the *procuradores* to the Cortes.

The Cortes of 1523 and Absolute Power

The Cortes reflected the interests of eighteen of the most powerful republics of Castile. The fact that the cities constituted only twenty percent of the Castilian population did not diminish their economic power.[107] The cities were the major tax collectors of the commonwealth of republics and they provided eighty percent of royal ordinary income.[108] City councils were also the lords of many of the 28,000 municipalities in sixteenth-century Castile. As already noted, Charles eventually extended tax privileges to royal municipalities, for in 1537 Charles conceded the privilege of self-taxation to all royal municipalities, a privilege previously held only by the eighteen cities and towns of the Cortes.

In the 1520s Charles was incapable of selling self-jurisdiction. In 1522 he returned to a Castile that had been torn apart by two years of civil wars. Lacking both an administrative mechanism and the necessary leverage from the ecclesiastical estate, he was not so much the victorious emperor of Europe as a lord in need of generous subjects. But in order to earn the generosity of his subjects, Charles had to give back what he could provide; he did this by means of his *merced*. The cities wanted a merciful king, a defender of their privileges, and a provider of justice; they knew that Charles was virtually penniless and that his major concern was to pay his bills.

In 1523 Charles granted a new and historically important *merced* to the Cortes, the right to address petitions and grievances before discussing

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[106] AGS, Estado, leg. 13, fol. 215; Clemente López González, "Las órdenes militares castellanas en la época moderna: una aproximación cartográfica," in *Las órdenes militares en el Mediterráneo occidental*, 291–340.

[107] On the claim of cities forming twenty percent, see Nader, *Liberty*, 3.

[108] Ladero Quesada, *La hacienda real*, 61.

subsidy amounts. The cities explained to Charles that he could apply his absolute power as a *merced* solely for the benefit of his subjects. Charles shifted the focus of his patronage from aristocrats to the urban elites who wanted the king to appoint candidates for their experience and expertise in law. The 1523 Cortes imposed a platform of appointments and rewards, especially for local judges, the *corregidores*.

Since his return to Spain in 1522 Charles had received from the Cortes the blueprint of how royal government should function. The *procuradores* of the Cortes taught Charles the application of absolute power: only when royal subjects require an innovation that benefits them may the king apply his absolute power to suspend the law and tradition, in such specific cases as when a strict interpretation of the law would result in harm to petitioners. In 1523 Charles granted a new and historically important *merced* to the Cortes: the right to address petitions and grievances before discussing subsidy amounts.

Charles' *merced* of 1523 was precipitated by his urgent need for additional revenues. Just prior to his return trip to Spain in the spring months of 1522, Charles came to experience in Ghent the lifelong burden of credit debt, which made him receptive to Castilian communal demands. Charles wrote to his ambassador in England that he had no money to pay for his transportation costs.[109] The cities soon capitalized on Charles' financial needs, demanding his physical presence as a condition of voting on any extensions of the supplementary subsidies, *servicios* (about twelve percent of royal income), and complying with the collection of the sales taxes (*alcabala*), eighty percent of the king's revenue. Charles' costly election of 1519 and his imperial departure thus jeopardized at least ninety percent of the crown's intake.[110] These percentages, however, are an approximation of gross income, because many of the sources were encumbered; this was especially true of the

[109] "…nostre voyaige de Espaigne depend de pouvoir trouver argent: sans laquel serion par necessite constrainet de changer prospos…" Charles to the bishop of Badajoz, Ghent, 20 Dec. 1521, in *Monumenta Habsburgica: Actenstücke unde Briefe zur Geschichte Kaiser Karl V*, ed. Karl Lanz (Vienna: Akademie der Wissenschaften, 1853), 512–518, 514.

[110] I calculated the percentages based on the numbers posted by Kellenbenz, *Los Fugger en España y Portugal*, 36–45, 38. He claims that from 1521–1528 royal municipalities generated over 5,066,666 ducats. He adds that during the first decade of Charles' reign in Spain, annual income amounted to a million ducats, or 375,000,000 *maravedís* (37). Hendrick's summary of tax-collection for the years 1521–1530 shows that the crown received from *servicios*, *alcabalas*, and *tercias* 3656.795 *cuentos* or 975,145 ducats every year (*Charles V*, 222, table 4).

alcabala, which the monarchy did not obtain directly but took the form of government bonds (*juros*).[111]

In the summer of 1523 the cities dictated *alcabala* levels, *servicio* contributions, and domestic policy. When Charles met the representatives of the cities in 1523, the cities changed the order of the agenda of the Cortes. For the next ten years Charles not only failed to receive all the sums he requested, but he also had to accept the constitutional innovation of approving laws and mandating reforms prior to negotiating the sum of municipal subsidies. The *procuradores* wanted to talk first about their petitions, and only after they had deliberated on all of the petitions would they even begin to discuss the king's finances. The cities knew that this was an innovation. The question of money, the *procuradores* argued, must be secondary to the king's reception of municipal grievances. The *procuradores* insisted that before engaging the amount of the grant, the first topic to be discussed had to be the petitions from their city councils.

In 1523 Charles pleaded his case with the *procuradores* assembled in the monastery of San Pablo in Valladolid. Speaking for the king, Secretary Cobos assured the cities that the king had already implemented the reforms stipulated by the *procuradores*.[112] Charles, Secretary Cobos claimed, had reformed the Council of Castile, removing the unpopular archbishop of Granada from the presidency and decreasing the inflated number of members. Secretary Cobos insisted that Charles had already ordered audits of the chanceries in addition to inspections of resident judges of the royal household ("alcaldes y alguaziles de su casa y corte"). Furthermore, Secretary Cobos added, audits would extend to all appellate courts and accounting offices, and moreover, the king would also order audits of the councils of the Indies and of the military orders. Secretary Cobos echoed the cities' demand that the queen mother deserved fixed revenues and a suitable court, and Secretary

[111] I have yet to determine the amounts and recipients of the *mercedes* of these annuities, which require exhaustive investigations of two sections contained in AGS, Escribanía Mayor de Rentas, Mercedes, legs. 34–216 and especially Contaduría Mayor de Hacienda, Contaduría de Mercedes, legs. 1–112. After an initial study of Contaduría de Mercedes, I took an inventory of many of the recipients of *juros*, and no doubt it included many royal functionaries, prelates serving the crown, lords providing military aid, and merchants negotiating tax bids.

[112] AGS, Patronato Real, leg. 70, fol. 9, 41–70, 51, Valladolid, 14 July 1523, "Lo que leyo el secretario comendador mayor, Francisco de los Cobos"; ordenamiento de cortes, Valladolid, 24 Aug. 1523, CLC, 4:363–402. There were 105 petitions.

Cobos did not forget to announce Charles' promise to pay soldiers; the latter would thus be less inclined to pillage communities. The king, Secretary Cobos asserted, had filled vacant churches with qualified and educated candidates and had already given the cities plenty of reasons to trust him. Secretary Cobos' articulation of Charles' reform program stemmed from the royal wish to sidetrack the cities' demand to have their petitions approved before the discussion of *servicios*.

On the following Wednesday morning, July 15, 1523, the *procuradores* assembled in the chapel of the monastery of San Pablo of Valladolid and selected from among their number Licentiate Juan Rodríguez de Pisa to respond to Charles' list of accomplishments. The cause of the revolutionary *levantamiento*, Pisa claimed, was that the king was not sufficiently merciful to hear the petitions of the cities, much less to implement legislation.[113] This had to change; therefore, irrespective of what the king had already initiated, he needed to address the petitions at this time.

The struggles between Charles and the *procuradores* during these sessions of the Cortes reveal the cities' understanding of the king's absolute power. Charles addressed the *procuradores*, stating that during the reign of the Catholic Monarchs, the first item of their agenda was always the approval of *servicios*. "Why then," Charles asked, "are you [the *procuradores*] committing such a monumental innovation?" Pisa delivered an argument to the king, a powerful statement about absolute power and *merced*: the king, Pisa said, should be the living and vigorous law; he is empowered to lay down new customs and laws and to remove old ones as well. In his attempt to educate Charles about the history of Castilian political practice, Pisa told Charles that his absolute power was effective law that he could use without damaging his royal preeminence, because with it he provided privileges. Armed with absolute power, Pisa added, Charles could strengthen his prestige and restore his reputation. He could nurture mutual trust and reassure his subjects by offering them substantial reforms.[114]

Charles realized that his right of absolute power centered on what his subjects wanted from him as a merciful lord, for he turned the whole

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[113] "…no fueron oídos los procuradores tan complidamente como quisieran. Esta enfermedad se avía de curar con medecina contraria, que primeramente fuesen cumplidamente oídos y despechados sus negocios y remedios los agravios que pretenden, y después de esto avía de ser pedido el servicio" (CLC, 4:354–357, 355).

[114] AGS, Patronato Real, leg. 70, fol. 9, 41–70, 55v.

debate around and asked his *procuradores* for counsel.[115] The *procuradores* took Charles' words to heart. The following day the *procuradores* of Guadalajara and Valladolid, going against the majority, decided to address the *servicios* first.[116] Gattinara, hoping to prevent an adjournment to allow the *procuradores* to confer with their respective city councils, pointed out to the *procuradores* the priority of money over the petitions. In the late afternoon, the *procuradores* gathered at the chapel to respond to the argument of custom. Pisa iterated that they had to follow their instructions to the letter, which stipulated that Charles must begin with the petitions. On July 17, Gattinara repeated that Charles would not permit an innovation. The following day Charles stipulated the sum of *servicios* he wanted the representatives to grant him and requested that they allow him a period of twenty days to review the petitions.[117] The king promised them that he would sit together with his staff to prioritize and execute the submissions from their cities. The *procuradores* responded that in light of the civil wars that erupted in 1520 when Charles fled Spain and disbanded the Cortes in La Coruña, they could not grant the *servicio*, much less an increase, until they spoke to their city councils. Finally, later that day, Charles decided to apply his absolute power in order to establish the custom of discussing communal demands first followed by the amounts of *servicios* to be granted.[118]

For almost three weeks Charles and his administration reviewed the petitions.[119] Charles promised to appoint 200 Spanish *gentiles hombres* to serve as his personal defenders and he decided to select Spanish pages for the queen in Tordesillas. As for his administration, Charles accepted the management reforms of reducing staff and eliminating foreigners.[120] He followed with the privilege of restoring the *encabezamiento* to the cities represented in the Cortes.[121] In effect, the complaints of the *comuneros* became the first policy changes in 1523. With these initiatives in place, the *procuradores* followed with the decision to grant Charles a

[115] Ibid., Charles' response to the *razonamiento* of Pisa, Valladolid, 15 July 1523, 41–70, 56.

[116] Ibid., 41–70, 55–55v, Valladolid, 16 July 1523, "La petición que los procuradores de Guadalajara respondieron a SM y el consejo que les dieron a SM."

[117] Ibid., Valladolid, 18 July 1523.

[118] Ibid., 61, Valladolid, 18 July 1523.

[119] Ibid., 61v, Valladolid, 7 Aug. 1523.

[120] Ibid., Valladolid, 11 Aug. 1523, "memorial sobre la reformación de la casa real que SM mando leyer a los procuradores."

[121] Ibid., Valladolid, 11 Aug. 1523, "sobre el encabezamiento de sus rentas que SM les dió a los procuradores."

subsidy of 410,666 ducats in three years, yet another blow to the king who requested 533,333 ducats in three years.[122] Gaining momentum from their victory, the cities continued with their list of requirements, in particular the renewal of the *encabezamiento* for 15 years.[123] Most of the demands that followed pertained to the economic welfare of the nation and the royal patrimony. The monetary reforms they requested centered on a comprehensive embargo of money. Spanish coins should not be exported nor foreign currencies imported. Because Charles had developed the habit of confiscating American bullion to pay his German and Genoese bankers, the *procuradores* wanted to prevent further confiscations of bullion.[124] The *procuradores* then offered Charles 200,000 ducats for lodging in Spain, which he had to use to pay for that intended purpose.

In 1523 the *procuradores* reminded the king that he had to adhere to the ordinances formulated in sessions of the Cortes of Burgos (1512 and 1515).[125] In this agreement between the cities and Fernando of Aragon, the king had to appoint natives of Castile; the *procuradores* were responding to Charles' previous grants of naturalization and thus required that he appoint Spaniards to judicial posts and ecclesiastical vacancies. They wanted Charles to safeguard their rights over their municipal properties and prevent churches and lords from intruding into their jurisdictions. Municipal charters granted by medieval kings specified the integrity of territorial boundaries. In 1523 the *procuradores* told Charles that he could not sell municipal autonomy to squatter villages subject to their respective cities and towns. Ecclesiastical corporations, the *procuradores* added, should not sell, acquire, or purchase real estate. The exploitation of the crusade bull by preachers, treasurers, and commissaries had to stop. As for the institutions of justice, Charles had to implement the recruitment standards promised by Fernando. City magistrates, *regidores*, they insisted, had to be natives of Spain. Royal judges, in particular *corregidores*, could not remain in their office

[122] Ibid., 63ff., Valladolid, 11 Aug. 1523, "petición que presentaron los procuradores."

[123] Ibid., Valladolid, 24 Aug. 1523, "lo que sobre la petición de los procuradores SM mandasen que se hiziese."

[124] For reference of Charles' confiscations, see the letter of Salinas to Ferdinand of Austria, Logroño, 4 Oct. 1523, Rodríguez Villa, *El emperador Carlos V y su corte*, 147. In 1523, for example, Charles took all of the shipments, 800,000 pesos, which bankers exported from Seville.

[125] For the petitions of the Cortes of Burgos in 1512 and 1515, see CLC, 4:235–259.

for multiple terms. In short, the *procuradores* wanted the king to uphold the laws formulated in the Cortes.

From 1523 to 1533, the *procuradores* calculated the amount of *servicios* based on Charles' implementation of their petitions. The fiscal power held by the Cortes resulted in the unchanging levels of *alcabala* and *tercia* collections in spite of demographic growth and inflationary inconstancies. The cities subsidized Charles' defense policies and controlled the amounts of *servicios*, which the *procuradores* calculated on the basis of royal performance. Charles' ability to implement parliamentary petitions corresponded to municipal handouts. If Charles wanted to earn his income, he had to foster the common good by establishing an accountable judiciary.

Local Power and Corregidores

Ever since Charles had assumed the crown of Castile in 1518, the *procuradores* had provided guidelines that he had to use in policing appointments. Charles had clear instructions to evaluate the performance of city and town judges, the *corregidores*.[126] *Letrados* or law graduates, for example, were the only qualified auditors of outgoing *corregidores* and they spent about ten months performing each audit. After the audit a new *corregidor* was to serve a term of two years.[127] By requesting that the king transfer judges every two years or so, city councils asserted their control over royal officials and prohibited them from acquiring too much local power or from becoming susceptible to factional enticements and embroiled in local politics.

The memory of civil war fresh in their minds, the *procuradores* in 1523 pressured Charles to abide by standards of judicial appointments that they had formulated previously in the Cortes. *Corregidores*, for example, had to serve two years.[128] Two-year term limits and audits after every appointment applied as well to all appellate judges (*alcaldes mayores*) in seigniorial and royal jurisdictions.[129] A significant response of the *junta*

[126] Petitions 28, 29, and 34, 1518 Cortes Valladolid, Sandoval, *Historia del emperador*, 80:128–132, 130. See also petition 10, 1515 Cortes and petitions 13–14, 1512 Cortes, CLC, vol. 4.

[127] Petition 34, 1518 Cortes Valladolid, Sandoval, *Historia del emperador*, 80:130.

[128] Petition 93, 1523 Cortes, Valladolid, CLC, 4:397.

[129] AGS, Patronato Real, leg. 70, fol. 98, 1525 Cortes, Toledo, "las cosas que se han platicado e respondido en el consejo sobre los capítulos generales que se remitieron a ellos para que lo proviesen."

of Tordesillas to the Burgundian court had concerned the Burgundian nomination of *corregidores*:[130] the *junta* had declared that the crown had to consult with the cities in the selection of city judges, and had to make sure that the *corregidor* would serve a two-year term followed by an audit.[131] The *procuradores* in 1525 reminded Charles of his prior inertia by telling him that one of the causes of the revolution of the *comunidades* was his neglect of the judiciary and his unconcealed disregard of selection standards and term limits.[132]

One of the most important forms of *merced* which Charles provided to the cities was judicial appointments, and it was clear in 1523 that he had to rely on the petitions of the cities. Indeed, the petitions had been the point of departure for the judicial management policies implemented by Charles as early as autumn 1521, when the Burgundian regime—and with it, the neglect of standards for judicial appointments—were coming to an end. Governor Adrian signaled that a new order was about to begin when he instructed the royal treasurer, Francisco Vargas, to pay outgoing *corregidores*.[133] Charles had his accountants pay certain *corregidores*. *Corregidores* who were military commanders apparently received promissory notes;[134] many did not receive incomes from the cities that were supposed to pay them.[135] The city of Granada, for example, demanded that Charles pay its previous *corregidor*, Antonio de la Cueva, 500 ducats, as they were unwilling to shoulder expenses related to the royalist cause during the revolution of the *comunidades*.[136]

Upon his return to Spain in 1522, Charles began the reconstruction of the Castilian judiciary by using the criteria established in the Cortes

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[130] Danvila, *Historia de las comunidades*, 36:125.

[131] Marvin Lunenfeld, *Keepers of the City: The Corregidores of Isabella I of Castile, 1474–1504*, Cambridge Iberian and Latin American Studies (Cambridge: Cambridge University Press, 1987), 177; Tarsicio de Azcona, *San Sebastián y la provincia de Guipúzcoa durante la guerra de las comunidades, (1520–1521): estudio y documentos*, Publicaciones del 'Grupo Dr. Camino de Historia Donostiarra' (San Sebastián: Obra Cultural de la Caja de Ahorros Municipal de San Sebastián, 1974), 22ff.

[132] Petition 7, 1525 Cortes, Toledo, CLC, vol. 4.

[133] AGS, Estado, leg. 10, fol. 223, Vitoria, 9 Nov. 1521; Estado, leg. 10, fol. 242, Vitoria, 26 March 1522; Estado, leg. 10, fol. 282, Vitoria, 15 June 1522.

[134] See, for example, Charles' order to the *contadores mayores*, 28 May 1522, AGS, Estado, leg. 10, fol. 186.

[135] Juan II mandated that cities pay the *corregidores* from their *propios*. For the law, see *Novísima recopilación de las leyes de España*, 6 vols. (Facsimile, Madrid: Imprenta Nacional del Boletín Oficial del Estado, 1992; 1805), 3:330 (lib. VII, tit. XI, ley V).

[136] AGS, Estado, leg. 8, fol. 296, 1522. On de la Cueva's *libramiento*, see AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 7, fols. 1383–1389. His term extended from 1516 to 1521.

regarding the appointment of *corregidores*. Charles accommodated loyalists in the cities, as well as aristocrats; he appointed *corregidores* who were either law graduates (*licenciados*) or knights (*caballeros*). When Charles arrived in Spain in July 1522, he first took an inventory of the fifty-four *corregidores* who had been in office since 1520 and prior to July 1522.[137] Charles removed thirty-three *corregidores* from their office. Six of these were law graduates and five of them found employment in the new administration directed by the new president of the Council of Castile, Juan Tavera (r. 1524–1539).[138] Three of the *licenciados* became associates of President Tavera and, because of this connection to Tavera (and subject to Tavera's management regulations), all three of them advanced to the Chancery of Valladolid.[139] Four of the thirty-three *corregidores* who lost their jobs had served for two years (two of these were Tavera associates who advanced). Fifteen of the *corregidores* had been in office for over a year. Three of these went on to work in the administration. Two nobles of the thirty-three unseated were in office for eight months. Six of the fired had served for six months, but one of them became a Tavera associate and subsequently served as a civil case judge in the Chancery of Valladolid. Three of the ousted served four months, one was in office for three months and another for two months, and the ejected *corregidor* of Gibraltar did not have his term listed.

When Charles appointed twenty-one *corregidores* who had been appointed prior to July 1522, he was following the instructions of the Cortes that *corregidores* had to be rotated.[140] Four of the twenty-one were law graduates. Of these four, two became Tavera associates and advanced as judges to higher appellate courts.[141] One of the licentiates became an associate of a councilor of the Council of Castile, Lorenzo Galíndez de Carvajal, and the other licentiate became an associate of another member of the Council of Castile, Councilor Fortún Ibáñez

[137] AGS, Estado, leg. 27, fol. 313; Danvila, *Historia de las comunidades*, 39:186–187.

[138] On Sarmiento, see AGS, Estado, leg. 14, fol. 25. There were two Villegas, the *corregidor* of Logroño and the *corregidor* of Ciudad Real. On one of the Villegas, see Estado, leg. 9, fol. 119.

[139] On Ortiz, see AGS, Estado, leg. 14, fol. 25 and leg. 16, fol. 435. On Mora, see Estado, leg. 13, fol. 189 and leg. 24, fol. 389. On Suárez, see Estado, leg. 14, fol. 25 and leg. 15, fol. 27.

[140] AGS, Estado, leg. 10, fol. 114, "las personas a quién se proveeron los corregimientos para el año de 1522."

[141] On Lerma's appointment to a judgeship in the itinerant court, see AGS, Estado, leg. 15, fol. 50. For his term in Valladolid, see Estado, leg. 13, fol. 186. On Henao, see Estado, leg, 13, fol. 41 and leg. 16, fol. 435.

de Aguirre.[142] The term of the *corregidor* of Valladolid, for example, had ended by the summer of 1522; as a client of Galíndez de Carvajal, Licentiate Álvaro Lugo was one of the candidates for vacancies in the chanceries.[143] Lugo rejected the offer to work at the Chancery of Valladolid, but later in 1526 he enjoyed a position in the Council of the Empress.[144] Competent service in *corregimientos* resulted in promotions, and the promise of promotions motivated *corregidores* to continue shouldering their substantial responsibilities, enduring audits and paying moving expenses every two to three years.

Historically, *corregidores* were royalists. Since the civil wars of the mid-fourteenth century they had received their municipal assignments as a result of service.[145] Most of these were aristocrats who offered the crown military expertise.[146] The *comunero* civil wars were a reminder to the crown of how important these men were to the members of the royal blood lines. Thus knights were often the best candidates for openings in *corregimientos*—particularly those in cities and towns with a history of civil conflict (almost all of them), and in frontier territories, which were especially prone to offensives from Muslim pirates or French invaders. Seventeen of the twenty-one *corregidores* appointed for subsequent terms were aristocratic knights who quite often found employment as military officers, including the count of Osorno, García Fernández Manrique.[147] Seven remained in the *corregimientos* that they had held previously. Noble status, however, was not what permitted men to become officeholders; experience and qualifications were critical prerequisites. In 1523 the count of Osorno was a judge of the Armada of Andalusia (which was the naval force defending the southern coast throughout Andalusia), and *corregidor* of Seville; in 1526 he became the president of the Council

[142] On Lugo who was Carvajal's client, see AGS, Estado, leg. 15, fol. 13. On Paz (Aguirre's client), see Estado, leg. 15, fol. 28.

[143] AGS, Estado, leg. 15, fol. 13.

[144] On his rejection of the judgeship of Valladolid, see AGS, Estado, leg. 14, fols. 216–234, fol. 225, Toledo, 6 Feb. 1526. On his nomination to the Council of the Empress, see Estado, leg. 14, fols. 188–192, fol. 192, Seville, 13 May 1526.

[145] Owens, *Rebelión, monarquía y oligarquía murciana*, 31–35.

[146] Ibid., 232.

[147] In AGS, Estado, 10, fol. 114, the *corregimiento* of Seville did not have a corresponding *corregidor*. But on the basis of the letter of the count of Osorno to Charles, it is clear that Osorno continued to reside in Seville as the *corregidor*. Seville, 6 March, 1523, CDI, 42 vols., Serie 1 (Kraus Reprint, 1964; Madrid: Imprenta de Manuel G. Hernández/Manuel de Quirós, 1864–1884), 40:145–149.

of the Military Order of Santiago and in 1529 he presided over the Council of the Indies.[148]

Corregidores were usually noble because a primary function of the *corregidor* was to provide military assistance when it was necessary. Since nobles often had extensive experience as knights, Charles needed their help in performing a range of executive, defensive, and judicial roles that comprised the office of *corregidor*. Nobles who served two terms in the same *corregimiento* went on military assignments after their second term had expired. Luis de la Cerda had been in Córdoba since January 1522 and received an additional appointment as the *corregidor* of Córdoba in July 1522.[149] In 1524 he then went to Navarre to provide military support against the French.[150] Iñigo Manrique was the *corregidor* of Granada for six months when Charles assigned him there for an additional two years.[151] He was already the fortress commander (*alcaide*) of Málaga and captain of the Armada of Andalusia.[152] In 1528, Manrique became a chamberlain of the Empress' court.[153]

Other prominent nobles who went up the scale included Antonio de Córdoba, the *corregidor* of Toledo (1519–1522), and Jerez de la Frontera (1522–1524), who later wound up in the Empress' court providing protection.[154] Martín de Córdoba was a naval commander who, after years of service, was rewarded by Charles with the countship of Alcaudete in 1529. Charles appointed Martín de Córdoba to the

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[148] For a short biography of the count of Osorno, see Henar Pizarro Llorente, "Fernández Manrique, García (III conde de Osorno)," in *La corte de Carlos V*, 3:125–130.

[149] On his initial appointment, see AGS, Estado, leg. 27, fol. 313, July 1522. For his subsequent appointment, see Estado, leg. 10, fol. 114.

[150] AGS, Estado, leg. 12, fol. 236, the constable of Castile to Charles, Burgos, 24 Sept. 1524?

[151] AGS, Estado, leg. 10, fol. 114.

[152] On his appointment as *alcaide*, see AGS, Guerra Marina, leg. 3, fol. 54, Valladolid, 13 Jan. 1518; Estado, leg. 16, fol. 358, Granada, 16 Oct. 1528; Francés de Zúñiga, *Crónica burlesca del emperador Carlos V*, ed. José Antonio Sánchez Paso (Salamanca: Ediciones Universidad Salamanca, 1989; 1529?), 93. For his handling of the 'moro' problem in Andalusia as captain of the armada, see Patronato Real, leg. 70, fol. 9, Valladolid, 8 Aug. 1524, 71–92.

[153] AGS, Estado, leg. 26, fol. 143, Madrid, 1528?

[154] For Antonio de Córdoba's Toledo term, see Pérez, *La revolución de las comunidades*, 145. For Jerez de la Frontera, see AGS, Estado, leg. 27, fol. 313, July 1522 and leg. 10, fol. 114. On de Córdoba's service, see Santiago Fernández Conti et al., "Relación alfabética de los servidores de las casas reales," in *La corte de Carlos V*, 4:47–402, 125. On his son's royal service in the court, see Estado, leg. 19, fol. 253. For the Empress' support of Antonio, see Estado, leg. 19, fol. 253, Madrid, 13 Oct. 1530, the Empress to Charles. In this letter the Empress notes his death.

corregimiento of Toledo in January 1522 and his term there was extended for an additional two years.[155] During the regency of 1529–1532 he was the viceroy of Navarre (1528–1534) and then he was sent to the Mediterranean where he held multiple positions in Orán, as a *corregidor* and captain general of the North African naval force.[156]

The policy of rotation became the standard for *corregidores*. Most judges did not remain in one *corregimiento* for more than two years and, as the laws of the Cortes stipulated, *corregidores* could not serve back-to-back terms. The judges had to wait until a period of two years had elapsed before they could return to the *corregimiento* they had previously held.[157] Many of the *corregidores* appointed after the civil wars, therefore, moved from one *corregimiento* to another. The *corregidor* of León was appointed to another term there in 1522, but later he went to the Canary Islands.[158] Pedro de Bazán was a *corregidor* in Ciudad Rodrigo in 1521. In 1522 he went to the *corregimiento* of the four coastal towns, Las Cuatro Villas de la Costa (Laredo, Santander, San Vicente, Castro-Urdiales), and years later he was the *corregidor* of Medina del Campo. Álvaro de Lugo was another *corregidor* who moved around, from Burgos to Zamora. Cristóbal de Torres also was in Palencia in 1521, moved to Carrión in 1522, and after many years returned to Palencia. Another vassal sponsored for only two terms was Juan de Ayala, a supporter of the Habsburg regime during the sessions of the Cortes in 1520 and a royalist who battled the *comuneros*.[159] Ayala was a military commander of the order of Santiago and this made him suitable for judicial office.[160] As one of Charles' military captains, Ayala competed for a vacancy in the city council of Loja.[161] The appellate judge of Asturias, Pero

[155] AGS, Estado, leg. 27, fol. 313 and leg. 10, fol. 114.

[156] For his activities as viceroy of Navarre, see AGS, Guerra Marina, leg. 2, fols. 90–95; Estado, leg. 18, fols. 132–134, leg. 19, fol. 197 and leg. 20, fol. 284. On his services in the Mediterranean and Orán, see Estado, leg. 25, fol. 129 and fol. 226, leg. 43, fol. 43 and leg. 25, fol. 66.

[157] Lunenfeld, *Keepers of the City*, 177.

[158] On his appointment in 1522, see AGS, Estado, leg. 10, fol. 114. On his term in the Canary Islands, see Estado, leg. 13, fol. 191.

[159] AGS, Patronato Real. leg. 70, fol. 9, Santiago, 30 March 1520; Estado, leg. 10, fol. 242, regency governors to Vargas, Vitoria, 26 March 1522.

[160] AGS, Estado, leg. 15, fol. 17, "estos son los comendadores y cavalleros de la orden de Santiago que paresce que podrian servir en cargos de capitanes y de justicia y otros negocios"; Estado, leg. 6 fol. 48; Estado, leg. 20, fol. 136, Tavera to Charles, 15 Nov. 1530? "encomienda en Medina del Campo a Juan Vázquez por muerte de Juan de Ayala."

[161] AGS, Estado, leg. 16, fol. 446, Madrid, 22 April 1528.

Zapata, was also a military commander of Santiago and eligible for a judgeship.[162] In 1522 he was considered for the *corregimiento* of Úbeda and Baeza, but did not receive it.[163] He remained in military service as one of Charles' captains from 1525 through 1530. For Zapata's efforts as the *procurador* of Madrid in 1532, he requested 70,000 *maravedís*, but he was denied his salary because he failed to reside in his command.[164] Another outgoing *corregidor* who was committed to a judicial career was Pedro de Acuña, the *corregidor* of Guadix-Baza-Almería. A native of Toledo, Acuña tried repeatedly to obtain a council position in Toledo.[165] He was also considered for judicial service, but his legal conflicts with the admiral of Castile probably compromised his opportunities.[166] What is evident in these appointments is Charles' attempt to comply with municipal demands, and thus the policy of biennial terms shaped his consideration of *corregidores*.

In the summer of 1522 Charles appointed sixty-five *corregidores*, an increase from fifty-four.[167] In so doing, Charles did not create new districts; rather he appointed an appellate judge in localities that wanted one. He appointed a *corregidor* for Arévalo and one for Madrigal; these were towns that had been given by Fernando of Aragon to his second wife, Germaine de Foix. The cities of the Cortes wanted Charles to restore these towns into the royal patrimony, which he did when he returned to Spain in 1522; he thus appointed *corregidores* for them. Charles also gave Madrid a *corregidor*. To the north of Palencia and south of Cantabrian Mountains, in the lands known as *los campos*, Charles appointed an *alcalde mayor*, an assignment that entailed the diverse knowledge of legal and religious traditions and who assisted the *corregidor*. Charles appointed three judges to the Canary Islands: one in

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[162] AGS, Estado, leg. 15, fol. 7, "Pero Zapata comendador de Mirabel"; Estado, leg. 13, fol. 41.

[163] AGS, Estado, leg. 10, fol. 114.

[164] AGS, Patronato Real, leg. 69, fol. 72, Segovia, 1532, "consulta de procuradores."

[165] For Acuña's *merced*, see AGS, Estado, leg. 11, fol. 40, undated but probably after 1526. For his solicitation, see Estado, leg. 11, fol. 144, Acuña to Charles, Toledo, 24 Sept. 1523; Estado, leg 14, fol. 229; and Estado, leg. 14, fol. 222.

[166] For his candidacy as a judicial officer, see Estado, leg. 13, fol. 141. For his legal settlement, see Estado, leg. 18, fol. 151, Tavera to Charles, Toledo, 23 March 1529?

[167] AGS, Estado, leg. 10, fol. 114. The number of *corregimientos* range. In the *Enciclopedia de historia de España*, ed. Miguel Artola Gallego et al., 7 vols. (Madrid: Alianza Editorial, 1993–1995), 5:361–362, the editor of the heading *corregidor* writes that "los setenta y ochenta corregimientos se agrupan en cinco partidos." It is more than likely he is describing a bureaucratic growth that took place later in the sixteenth century and possibly in the seventeenth century.

Grand Canary Island, in Santa Maria, and another one for Tenerife and La Palma. Murcia and Lorca now had a *corregidor*, in addition to Requena in the kingdom of Valencia. In Galicia, Charles placed one of Tavera's associates, Antonio de la Cueva, who served there an unusual number of years, from 1523 to 1527. But an important factor in the duration of Cueva's term was most likely Tavera's legal campaign in Galicia to recoup royal properties confiscated and claimed by numerous aristocrats.[168] Tavera was also able to obtain for one of his associates, Licentiate Cristóbal Henao, the *corregimiento* of Arévalo, which Henao used as a stepping stone for advancement to the Council of Navarre.[169] In 1523 Charles fulfilled one of the Cortes' most urgent demands: to appoint *corregidores* every two years. The new appointments of 1523 amounted to thirty-three replacements, of which seven were licentiates. Three of these licentiates became Tavera associates, and advanced, whereas the other licentiates did not go beyond the *corregimiento* level.[170] Four *corregimientos* were left vacant, and two-thirds, or twenty- two, of the *corregidores* were knights.

The Audits of Corregimientos

In the following year (1524), Charles evaluated many of the *corregidores* and decided to audit the *corregimientos* of Toledo, Medina del Campo, Cuenca, Burgos, Avila, Plasencia, Asturias, Cádiz, Granada, Murcia, Galicia, Vizcaya, and Úbeda-Baeza-Almería.[171] The Council of Castile

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[168] For Tavera's campaign, see César Olivera Serrano, "La Galicia de Vasco de Aponte: los pleitos del arzobispo Tabera contra los linajes de la tierra de Santiago," *En la España Medieval* 22 (1999): 285–315.

[169] On Henao's placement in the Council of Navarre, see AGS, Estado, leg. 16, fol. 435. In 1515, Henao was a *procurador* of Avila.

[170] On Tavera's support of Muñoz, who was the brother-in-law of Juan Vázquez de Molina, see AGS, Estado, leg. 13, fol. 189, leg. 15, fol. 11 and fol. 28. On Tavera's endorsement of Diego de Vargas, who was a relative of the financier Francisco de Vargas, see Estado, leg. 20, fol. 17 and fol. 191. On Villa's clientage tie to Tavera, see Estado, leg. 15, fol. 12 and fol. 27.

[171] AGS, Estado, leg. 12, fol. 223, 6 March 1524, "consulta de SM"; Estado, leg. 11, fol. 154, Vitoria, 6 March 1524; Estado, leg. 12, fol. 225, 1524, "los oficios que están para que se puedan proveer"; Estado, leg. 12, fol. 221, Burgos, 20 Feb. 1524, "consulta de consejo"; Estado, leg. 13, fol. 261, *juez de residencia* (Luis Velasco) to Charles, Oviedo, 26 Sept. 1525; Estado, leg. 13, fols. 345–346, *juez de residencia* (Licentiate Juan de Giles) to Charles, 1525?; Estado, leg. 15, fol. 12, "Licenciado Luzón, juez de residencia que fué en Granada"; Estado, leg. 14, fol. 47, Charles to the *juez de residencia* of Lugo, 15. Feb. 1526; Estado, leg. 14, fol. 249, 1526?, "Licenciado Romero que tomó

had received complaints from the city councils of Úbeda and Baeza that their *corregidor*, Francisco de Castilla, committed too many injustices and made many biased decisions.[172] Plasencia complained about the incompetence of its *corregidor*, *Comendador* Villacorta, who, it claimed, was the cause of all that was bad there, especially the murder of its sheriff.[173] Licentiate Adurza was given the assignment of auditing Villacorta who was subsequently removed and did not find royal employment. Charles thus quickly responded to complaints against *corregidores* and only used licentiates to investigate. Licentiate Martín López de Oñate, for example, audited Cuenca's *corregidor*. According to a report of the Council of Castile, the *corregidor* of Cuenca, "after he had taken staffs of justice, remained in Cuenca for only fifteen days, and during the time that he has been living in Córdoba the officials he left in his place have caused many grievances and injustices."[174] After 1523, the general policy regarding audits was that auditors were to be licentiates; law graduates, it was felt, had the legal expertise necessary to evaluate the only royal judge at the local level (i.e., the *corregidor*).

Also significant in Charles' decision to audit *corregimientos* in 1524 was that this campaign coincided with the appointment of Juan Tavera to the presidency of the Council of Castile. President Tavera championed audits during his presidency (1524–1539). The magistrates of Cuenca were pleased about the appointment of Tavera to the presidency of the Council of Castile, and about the arrival of the auditor Oñate.[175] That same year Oñate audited the *corregimiento* of Medina del Campo;[176] the following year he went to the Chancery of Granada as a criminal judge and there gained Tavera's attention.[177] President Tavera, in sum, kept a close watch on the audits of the *corregimientos* and used audits as the training ground for future appellate judges and as the test to evaluate both local judges (*corregidores*) and auditors (*juezes de residencia*).

Under Tavera's judicial administration, one of the benefits of passing an audit was promotion. A judge of the royal household (*casa y*

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la residencia en Galicia"; Estado, leg. 14, fol. 112, Licentiate Esquivel to Charles, Murcia, 24 May 1526.

[172] AGS, Estado, leg. 12, fol. 221, Burgos, 20 Feb. 1524, "consulta de consejo."

[173] AGS, Estado, leg. 12, fol. 224, 1524, "memorial de cavalleros para corregimientos."

[174] AGS, Estado, leg. 12, fol. 221, Burgos, 20 Feb. 1524, "consulta de consejo."

[175] Cuenca to Charles, Cuenca, 30 Sept. 1524, AGS, Estado, leg. 12, fol. 239; cf. Estado, leg. 12, fol. 284, 30 Sept. 1524, Cuenca to Charles.

[176] AGS, Estado, leg. 12, fol. 225, 1524.

[177] On Tavera's support, see AGS, Estado, leg. 15, fol. 14, 1527.

corte), Licentiate Juan Briviesca, performed the *residencia* of Toledo.[178] Briviesca's audit did not reveal irregularities, and the *corregidor*, Martín de Córdoba, remained there until 1526.[179] Prior to 1527 Briviesca was the appellate judge of the *alcaldía mayor* of Palencia, but his main duties after 1529 were assignments Tavera gave him.[180] Because the *corregidor* passed inspection, he too advanced. From 1526 to 1528, Córdoba may have gone to Galicia.[181] Charles then made Córdoba viceroy of Navarre in 1528 and in 1529 he became the count of Alcaudete. In 1533 Córdoba governed the North African presidio in Orán and negotiated treaties with the king of Tremecén.[182]

Tavera and the Council of Castile used audits as the testing ground for recent graduates of law, a minority of less than one quarter of new *corregidores*. Licentiate Pomereda audited the *corregimiento* of Avila and subsequently became an associate of Tavera and of Luis González de Polanco of the Council of Castile.[183] Charles ordered one of Tavera's future associates, Licentiate Velasco, to audit the *corregimiento* of Asturias; his task included confiscating the assets of the bishop of Oviedo.[184] Licentiate Castilla had just graduated from the law faculty of the University of Valladolid and his first assignment was the audit of the

[178] On Briviesca's appointment as *alcalde de casa y corte*, see AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 29. On the family Briviesca and their legal careers, see Henar Pizarro Llorente, "Briviesca, Gracián de," in *La corte de Carlos V*, 3:69–70.

[179] For Córdoba's reception of the audit order, see AGS, Estado, leg. 12, fol. 260, Córdoba to Charles, Alcaudete, 22 March 1524.

[180] On Briviesca's *alcaldía mayor*, see AGS, Estado, leg. 15, fol. 14, Valladolid, 1527, "consulta de SM." On Tavera's assignment, see Guerra Marina, leg. 2, fol. 64, Tavera to Charles, Madrid, 7 Nov. 1529.

[181] On Córdoba's consideration for Galicia, see AGS, Estado, leg. 14, fol. 225, 6 Feb. 1526.

[182] On his viceroyalty in Navarre, see AGS, Estado, leg. 18, fol. 132, the count of Alcaudete to the Empress, Pamplona, 2 Sept. 1529; Guerra Marina, leg. 2, fol. 95, the count to Charles, Pamplona, 22 Sept. 1529. On his duties as governor of Orán, see Estado, leg. 25, fol. 66, Cobos to Vázquez, Barcelona, Feb. 1533.

[183] For Tavera's support of Pomereda, see AGS, Estado, leg. 15, fol. 11. For Polanco's support, see Estado, leg. 15, fol. 28.

[184] On Tavera's support for Velasco, see AGS, Estado, leg. 14, fol. 231, 1525: "es colegial de Salamanca, buena persona, no lo he experimentado"; Estado, leg. 15, fol. 12. For Velasco's audit, which appears to be his first assignment, see Estado, leg. 13, fol. 261, Velasco to Charles, Oviedo, 26 Sept. 1525. Councilor Medina and Galíndez de Carvajal as well recommended Velasco to Charles for judicial office. On Medina, see Estado, leg. 15, fol. 34. On Carvajal, see Estado, leg. 15, fol. 28.

corregimiento of Burgos.[185] Two additional associates of Tavera were sent to audit *corregimientos*; Licentiate Romero traveled to Galicia and Licentiate Luzón went south to Granada.[186] An associate of Councilor Aguirre of the Council of Castile, Licentiate Esquivel, audited the *corregimiento* of Murcia, which led to his consecutive appointments to the *corregimiento* of La Coruña, the *alcaldía mayor* of Galicia, the Council of Navarre, and the Chancery of Valladolid.[187]

In 1524–1525 Charles thus audited at least thirteen *corregimientos*, but he also sent at least eighteen new *corregidores* to places that may not have experienced a *residencia*. For Burgos, the Canary Islands, Medina del Campo, Plasencia, Córdoba, Jerez de la Frontera, Écija, Guadix and Galicia, Charles recruited *caballeros* and *letrados*.[188] The knight, Valencia de Benavides, went to the *corregimiento* of Guadix-Baza-Almería, and Luis Pacheco worked in Burgos.[189] But regarding the other assignments it is not clear who received the positions.[190] For the *corregimientos* of Úbeda, Segovia, Santo Domingo de la Calzada, Granada, Palencia, Trujillo, Loja-Alhama, Jaén, and Alcaráz, Charles considered placing *caballeros*.[191]

The duty of appointing *corregidores* was continual and, as requested by the cities, Charles had to replace *corregidores* every two years. Charles increasingly relied on President Tavera to recruit auditors and *corregidores* and to establish auditing procedures. First of all, active *corregidores* had to be compensated before a new wave of appointments could be initi-

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[185] On his inexperience, see AGS, Estado, leg. 14, fol. 231, 1526, "relación de personas eclesiásticas, letrados y perlados." On his appointment, see Estado, leg. 12, fol. 223, 6 March 1524.

[186] On Romero's audit, see AGS, Estado, leg. 14, fol. 249, 1526?, "Licenciado Romero que tomó la residencia en Galicia." For Tavera's support of Romero, see Estado, leg. 15, fol. 11 and fol. 28; Estado, leg. 26, fol. 19, Tavera to Cobos, Madrid, 4 Feb. 1533. For Luzón's audit and Tavera's endorsement, see Estado, leg. 15, fol. 12.

[187] On Esquivel's audit, see AGS, Estado, leg. 14, fol. 112, Esquivel to Charles, Murcia, 24 May 1526. For Esquivel's *corregimiento* term in Coruña and Aguirre's support, see Estado, leg. 15, fol. 28, Palencia, 1527. For Esquivel's other appointments, see Estado, leg. 13, fols. 188–189; leg. 13, fol. 199.

[188] AGS, Estado, leg. 12, fols. 224–226, 1524.

[189] On Pacheco, see AGS, Estado, leg. 9, fol. 51, cathedral chapter of Burgos to Charles, Burgos, 11 Aug. [1525]; Estado, leg. 14, fol. 117, Luis Pacheco to Charles, Burgos, 18 Jan. 1525? On Benavides, see Estado, leg. 12, fol. 224, 1524.

[190] AGS, Estado, leg. 12, fol. 224, 1524.

[191] AGS, Estado, leg. 13, fol. 41, 1525? This folio is undated and I have not been able to date it. The circumstances surrounding the document, however, suggest that this personnel list was written around 1525. This list includes *caballeros* who were considered for new positions and whose previous assignments were recorded.

ated. It was during the winter of 1525–1526 that Charles ordered a number of inventories of the *corregimientos* and of *corregidores* that either received a royal stipend or were given promissory notes. Charles had an accountant or secretary list compensations for sixty-one *corregidores* out of sixty-four listed.[192] Tavera then compiled for Charles a list of sixty-one *corregimientos* that required new *corregidores*.[193] Charles' options for the *corregimientos* of Salamanca and Galicia were Tavera preferences.[194] For the *corregimiento* of Salamanca, President Tavera hoped that either Diego Osorio or the knight Pedro Vélez de Guevara would take the job.[195] There is no mention of an audit, but there probably was one. In February 1526, for example, Charles ordered an audit of the *corregidor* of Toledo.[196] Licentiate Sepúlveda, a judge of the monarchical itinerant court (*alcalde de sala y corte*), went to Toledo to function as the *juez de residencia*.[197] But auditing over sixty *corregimientos* at the same time was impossible. President Tavera and the Council of Castile wanted to employ eight auditors for investigations (*pesquisas*). This strategy did not work because of either a shortage of qualified jurists or a lack of funds, but during the regency of 1529–1532 Charles gave Tavera the necessary funds to appoint "judges who are to be given investigative assignments."[198]

In 1527 Tavera provided an instruction guide for auditors.[199] By providing auditors with a clear outline of goals and methods, Tavera could economize royal investigations and make them as consistent as possible. "Auditors," Tavera wrote, "must be able to distinguish what to investigate and what to disregard, which is a judgment that necessitates a sound knowledge of the laws regarding auditors and *corregidores*... as well as the common sense of asking the right questions... seeking diligently all of the charges and complaints made against the *corregidores*

[192] AGS, Estado, leg. 15, fol. 21, 1526? "memorial de los oficios."
[193] AGS, Estado, leg. 15, fol. 19, [Tavera] 1526? "memorial de las ciudades y villas que se han de proveer de corregimientos."
[194] AGS, Estado, leg. 14, fol. 249, 1526?
[195] On Osorio and Guevara, see AGS, Estado, leg. 14, fol. 249, 1526?
[196] AGS, Estado, leg. 14, fol. 225, Toledo, 6 Feb. 1526, "mandamiento de SM."
[197] AGS, Estado, leg. 14, fol. 231, "relación de personas eclesiásticas, letrados, perlados, y otros para oficios."
[198] Tavera to Cobos, 1529? AGS, Estado, leg. 18, fol. 168.
[199] AGS, Estado, leg. 15, fol. 51, Valladolid? 1527? "instrucción para los juezes de residencia."

and examining the accusers and verifying their allegations."[200] In order to deal with problems (i.e. insufficient funds to pay auditors and a shortage of qualified auditors), Tavera also configured this manual to maximize the learning process of *juezes de residencia*, so that they in turn could acquire the expertise and experience needed to serve as *corregidores*. He wrote this manual after he had supervised the overhaul of the judiciary and had organized audits of over sixty *corregimientos* and all of the appellate courts, which included the *audiencias* and *chancillerías*. The Tavera instructions of 1527 sent a clear message to the cities and towns: audits had become and would remain consistent, efficient and regular. Cumulatively built into the recruitment of royal judges, standardized audits of *corregimientos* met the management principles of the judicial reforms stipulated by the *procuradores* to the Cortes.

With a program of auditing procedures in place, Charles soon ordered a minimum of ten audits.[201] Tavera recruited licentiates with considerable experience as judges in seigniorial and royal jurisdictions; he also gave his manual to *caballeros* who received the assignment to audit two *corregimientos*.[202] For the audits of Gibraltar, Zamora, Santo Domingo de la Calzada, and Tenerife-Las Palmas, Charles assigned licentiates, who also relied on the manual.[203] Tavera recruited lawyers, knights, lords, and magistrates who were willing to move repeatedly and to be judged by fellow colleagues on the basis established by the manual of audits. Tavera's network of associates in the royal administration was growing and one of the ways in which Tavera standardized the policy of audits was his manual.

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[200] Regarding the laws pertaining to *corregidores*, Tavera was probably referring to two royal codes and laws: the 1482 royal code of conduct for *corregidores* and the 1500 decree governing *corregidores* (*los capítulos de corregidores de 1500*). For the 1482 royal code, see Emilio Saéz Sánchez, "El libro del juramento de ayuntamiento de Toledo," *AHDE* 16 (1945): 530–624. For the 1500 *capítulos*, see Antonio Muro Orejón, *Los capítulos de corregidores de 1500: edición facsímil del incunable de la Biblioteca Colombina de Sevilla* (Seville: Escuela de Estudios Hispano-Americanos de Sevilla, 1963); Rafael Serra Ruiz, "El juicio de residencia en época de los Reyes Católicos," *Anuario de Estudios Medievales* 5 (1968): 531–546.

[201] AGS, Estado, leg. 15, fol. 50, Charles, Cobos, and Tavera to Lerma, 1527.

[202] For the Burgos appointment, see AGS, Estado, leg. 15, fol. 10, 1527. For Las Cuatro Villas de la Costa, see Estado, leg. 15, fol. 48.

[203] For the audits of Santo Domingo de la Calzada, Gibraltar and Zamora, see AGS, Estado, leg. 15, fol. 48, "oficios de corregimientos." For the audit of Tenerife-Las Palmas, see Estado, leg. 15, fol. 53, the Empress (Juan Vázquez, Ortiz, Tavera, Pedro Manuel, Licentiate Mogollón, Licentiate Medina) to Pedro Fernández, Madrid, 13 May 1528.

By 1527 Charles had gone a long way toward accomplishing what the cities had asked of him regarding the appointment and audits of *corregidores*. It appears that in only three special cases did Charles fail to follow appointment instructions from the cities. Charles did not change two *corregidores* who had been in office since 1522. He kept relying on Granada's *corregidor*, Iñigo Manrique, and the *corregidor* of Madrid, Juan Manrique.[204] Appointed in 1522, Martín de Córdoba was another *corregidor* who had served continuously for four years. However, the Council of Castile strongly suggested that Córdoba "must not resume [his office]" in Toledo, and in 1526 he was replaced after an audit.[205]

In 1528–1529 Charles ordered another eleven audits: Medina del Campo, Cádiz, Galicia, Oviedo, Tenerife, La Palma, Gibraltar, Santo Domingo de la Calzada, Zamora, Úbeda, and the *adelantamiento* of Burgos. Licentiate Francisco de Lerma, who audited the *adelantamiento* of Burgos,[206] had been an experienced judge of the royal household since 1520.[207] Tavera and Charles prepared the documents for the audits of Asturias (Oviedo) and Úbeda;[208] Charles also appointed an auditor to the *corregimiento* of Medina del Campo.[209] Apparently appointed by Charles after the audit, Alvaro de Lugo took over the staffs of justice of the *corregimiento* of Úbeda.[210] The auditor of Galicia, Licentiate Salamanca, who was a judge of the *audiencia* of Seville and who served in Galicia for many years, may have been the *alcalde mayor* placed there.[211]

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[204] On Iñigo Manrique's extended service as *corregidor*, see, AGS, Estado, leg. 14, fol. 68, Charles to Mondéjar, Manrique and Don Miguel, Granada, 1526. On Juan Manrique, see Estado, leg. 14, fol. 85, Charles to Manrique, Granada, Nov. 1526.

[205] For the Council of Castile's recommendation, see AGS, Estado, leg. 14, fol. 225, Toledo, 6 Feb. 1526. For the inventory of replacements, see Estado, leg. 15, fol. 19, "memorial de las ciudades y villas que se han de proveer de corregimientos." For the audit, see Estado, leg. 14, fol. 231, 1526, "relación de personas."

[206] AGS, Estado, leg. 15, fol. 50, Charles, Cobos, and Tavera to Lerma, 1527. For analysis and description of *adelantamientos*, which were judgeships in territories conquered from Muslim rulers, see Cristina Jular Pérez-Alfaro, *Los adelantados y merinos mayores de León, siglos XIII–XV*, Biblioteca de Castilla y León, Serie Historia, 12 (León: Universidad de León, Servicio de Publicaciones, Junta de Castilla y León, 1990), 441–452.

[207] Pérez, *La revolución de las comunidades*, 276.

[208] For the audit of Asturias, see AGS, Estado, leg. 15, fol. 52. For Úbeda, see Estado, leg. 15, fol. 46, Charles and Tavera to the *corregidor* of Úbeda.

[209] AGS, Estado, leg. 16, fol. 327.

[210] AGS, Estado, leg. 15, fol. 48, "oficios de corregimientos."

[211] For reference of his assignment in Galicia, see AGS, Estado, leg. 14, fol. 249, 1526. On his term in Seville, see Estado, leg. 13, fol. 291, the judges of Seville to Charles, Seville, 7 April 1525. For his extended service as *alcalde mayor* of Galicia, see Estado, leg. 19, fol. 193, the governors of Galicia to the Empress, Santiago, Jan. 1530.

In 1527 Charles gave the *corregimientos* of Burgos and Las Cuatro Villas de la Costa to knights.[212] For the audits of Gibraltar, Zamora, Santo Domingo de la Calzada, Tenerife and La Palma, Charles assigned licentiates.[213] When Charles was in Valencia, the Council of Castile received his approval to send an auditor to Cádiz.[214] In effect, the Council of Castile had regularized audits, institutionalizing management procedures of audits, rotations, recruitment, and promotions.

Two mechanisms of the post-*comunero* administration facilitated personnel competency and rewards: management procedures and network connections based on the achievement of institutional standards. Although Charles recruited lawyers, knights, lords, and magistrates who were willing to move repeatedly and to be judged by fellow colleagues, Tavera's network of associates in the royal administration was growing. Tavera presented Charles with a list of candidates for the *corregimientos* of Granada, Zamora, Jaén, Madrid, and Segovia.[215] Charles chose Tavera's candidates for all of the *corregimientos* except Zamora. Tavera's candidate for the *corregimiento* of Segovia was Pedro de Bazán; the president recommended him because "he was the *corregidor* of Zamora who performed a solid audit." A critical factor in advancement was judicial performance, which was evaluated by the system's auditing procedure. With a positive assessment, a judge could expect Tavera's recognition.

Tavera also experimented with appointments, recognizing that the cities and towns had always requested outsiders to serve as their *corregidores*. For the cities and towns requesting a new *corregidor*, it was expected that the new appointment be an outsider, and Tavera gave Charles the names of outsiders who could fill the vacancy. Usually these were *procuradores*, because they had had the experience of understanding how municipal governments functioned and knew the politics of monarchi-

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[212] For the Burgos appointment, see AGS, Estado, leg. 15, fol. 10, 1527. For Las Cuatro Villas de la Costa, see Estado, leg. 15, fol. 48.

[213] For the audits of Santo Domingo de la Calzada, Gibraltar and Zamora, see AGS, Estado, leg. 15, fol. 48, "oficios de corregimientos." For the audit of Tenerife-La Palma, see Estado, leg. 15, fol. 53, the Empress (Juan Vázquez, Ortiz, Tavera, Pedro Manuel, Licentiate Mogollón, Licentiate Medina) to Pedro Fernández, Madrid, 13 May 1528.

[214] AGS, Estado, leg. 16, fol. 434, the Council of Castile to Charles, Madrid, 27 May 1528 (response to Charles' letter of 19 May 1528).

[215] AGS, Estado, leg. 16, fol. 435, Tavera, 1528? "memorial de corregimientos."

cal and representative institutions. In the case of the candidate for the *corregimiento* of Jaén, the appointment was a *procurador*.

It was clearly a priority for Charles to place city and town councilmen from other cities or towns in *corregimientos* (the vast majority of councilmen had experience as *procuradores*). The *corregidor* appointed to the opening in Jaén was a city councilman (*veinticuatro*) of Granada and the *corregidor* appointed to the position in Granada was a councilman of Seville. By appointing city councilmen to *corregimientos*, Charles covered the full range of qualified candidates, from law graduates to knights to urban elites.

In 1527–1528, Charles satisfied two goals by auditing *corregimientos* and re-appointing *corregidores*: he addressed the cities' insistence that *corregidores* serve two-year terms and that there be an audit of the outgoing *corregidor*. In doing this, Charles minimized potential problems that could result from his planned journey to Italy. During the regency of 1529–1532 the rotation of *corregidores* seems to have declined substantially, but when he returned he initiated a new wave of appointments. In an undated inventory of fifty-four *corregimientos* there is evidence of the extensive appointment of *corregidores* after Charles had returned to Spain in 1533.[216] Charles placed a minimum of fifty-four *corregidores* between the years 1533 and 1535. In 1535–1536 the *corregidor* of Seville was the count of Villalba, Hernando de Andrade. In 1532 Tavera notified Charles about the audit of Andrade.[217] Charles then ordered Andrade to return to Seville in 1533.[218] It could be that Andrade served back-to-back terms in Seville from 1533 to 1537. Charles appointed a *gobernador* of Galicia in 1530 and he appointed the same person again in 1535.[219] Another of the fifty-four appointments was Iñigo Argüello, who had served, probably after 1525, as the *corregidor* of Murcia-Lorca-Cartagena and as *procurador* of the Cortes in 1525.[220] During the regency of

[216] AGS, Estado, leg. 13, fol. 191, 1535? Cf. Estado, leg. 13, fol. 187, 1535?

[217] AGS, Estado, leg. 24, fol. 184, Tavera to Charles, 28 July 1532; Estado, leg. 26, fol. 19, Tavera to Cobos, Madrid, 4 Feb. 1533.

[218] Fernández Conti, "Andrade, Fernando de (conde de Villalba)," in *La corte de Carlos V*, 3:44–46, 46.

[219] For appointment order, see AGS, Estado, leg. 21, fol. 228, Charles to Tavera, Innsbruck, 1530. For the *gobernador*'s activity in 1532, see Estado, leg. 24, fol. 268, Infante de Granada to Charles, Orense, 26 Feb. 1532; Estado, leg. 24, fol. 293, Infante de Granada to Charles, Orense, 29 Aug. 1532.

[220] In 1522, Charles appointed Carlos de Guevara to the *corregimiento* of Murcia (AGS, Estado, leg. 10, fol. 114, "las personas a quién se proveeron los corregimientos en el año de 1522." In 1524, Charles' ordered the audit of Murcia (AGS, Estado, leg.

1529–1532 he was the *corregidor* of Soria, and when Charles returned in 1533, Argüello was given the *corregimiento* of Cartagena and then the job in Vizcaya in 1535.[221] These appointments of 1535 reflect the principles of experience and rotation, which characterized the royal management of *corregimientos* after Charles' return to Spain in 1522.

After the civil wars, the policy of audits was steady and continuous. *Corregidores* had to earn a positive evaluation on their audits if they expected to be re-appointed. Of the fifty-four appointments Charles made in 1535, at least seven involved audits.[222] Every two years, Charles audited *corregidores* who were rotated. For the *corregimiento* of Córdoba, for example, Charles appointed Hernán Pérez de Luxán, "but [Pérez] could not assume his office until his audit has been reviewed."[223] Francisco Tavera got the *corregimiento* of Jaén, "but cannot take his office there until the audit is finished, even though the audit of his *corregimiento* of the Canary Islands has been completed."[224] In another example, Francisco Cherino had to wait to assume his office in Antequera "until his audit has been reviewed." For the *corregimiento* of Badajoz, "first of all, the auditor has to go there," before the incoming *corregidor* could assume office. In all of these examples, the audit of every out-going *corregidor* was necessary; moreover, an incoming *corregidor* had to pass the audit of his previous office.

In his analysis of *corregidores*, Marvin Lunenfeld claimed that the cities demanded audits and that "no one with judicial responsibilities of any type would be reappointed before a *residencia* was both completed and reviewed."[225] Lunenfeld made it clear that Charles recognized city demands and that the cities of the Cortes "set up a two-man standing committee (*diputación*) in 1525 to oversee implementation of decrees when parliament was not in session."[226] In considering the policy of

12, fol. 223, 6 March 1524, "consulta de SM"). The new *corregidor* would therefore hold his office after 1524. For his term as *procurador*, see Estado, leg. 13, fol. 234, 1525, "memorial de la consult que tuvo SM de lo que se hizo con los procuradores de las Cortes de Toledo."

[221] For his term in Cartagena, see Ezquerra Revilla, "Argüello, Íñigo de," in *La corte de Carlos V*, 3:50–54, 51. For his term in Vizcaya in 1536, see ibid, 3:51. For Charles' appointment of Argüello, see AGS, Estado, leg. 13, fol. 188, 1535?

[222] AGS, Estado, leg. 13, fol. 187, 1535? "memorial de los corregimientos proveedos."

[223] Ibid.

[224] Ibid.

[225] Lunenfeld, *Keepers*, 184.

[226] Ibid, 185. On the 1525 creation of the *diputación*, see Francisco Tomás y Valiente, "La diputación de las cortes de Castilla," *AHDE* 32 (1962): 347–469.

audits of *corregimientos*, Lunenfeld's evaluation of the evolution of the *corregimiento* system is partially correct in concluding that the "epoch of the medieval *corregidor* (which I hold extends through the reign of Ferdinand and Isabella) thus came to an end."[227] The change, in his view, occurred after city oligarchies finally realized that they needed the *corregidor* "for the smooth functioning of municipalities," because magistrates did not want the return of civil wars.[228] The evidence presented in this chapter shows the extent to which Charles implemented policies formulated in the Cortes; this suggests not that the cities and towns 'realized' the importance of *corregidores*, but rather that Charles took seriously the management of royal judges and municipal expectations regarding *corregidores*. The cities and towns wanted audits and the rotation of *corregidores* on a continual basis and Charles followed through. Reacting against the Burgundian system of patronage for aristocrats and insiders, the cities wanted the conditions of public office changed from birthright to merit and accountability. Because Charles relied on the management instructions of the cities, the cities did not have excuses to revolt and to avoid paying *servicios*. Charles did not grant more power to his *corregidores* than he had already granted. Instead he implemented the instructions for *corregimientos*, which clarified criteria regarding the appointment of *corregidores* and their functions. In places that required the *corregidor* to perform a high degree of military service, Seville and Galicia, for example, *corregidores* served back-to-back terms. But the norm was that *corregidores* did not last long, and those who were *letrados* usually advanced to the appellate courts of the Castilian judiciary. *Corregidores* were rotated and unable to reside anywhere for long, and they played, at best, a minimal role in their respective cities' long-term political development.

Stephen Haliczer's thesis of the decay of local administration, which was "already far advanced by the time of [Isabel of Castile's] death," highlights Charles' judicial reform program of 1522–1528.[229] Although Haliczer posited a kind of golden age of local administration, he argued that city councils nursed resentments on account of the monarchy's failure to implement a *residencia* policy.[230] "The effectiveness of the *residencia* was also undermined," Haliczer wrote, "by the poor

[227] Lunenfeld, *Keepers*, 185.
[228] Ibid., 185, 192.
[229] Haliczer, *The Comuneros*, 94–113, 113.
[230] Ibid., 101–104.

quality of the persons who conducted them."[231] He noted that the Council of Castile after 1522 was instrumental in establishing a "better educated, better disciplined, and more effective public administration and a strengthened judiciary. . . ."[232] Upon returning to Castile in 1522, "Charles moved quickly to carry out an energetic reform program."[233] Haliczer's claims are correct, but he failed to recognize that it was the Cortes that provided the policies the Council of Castile implemented and that the Cortes influenced Charles' political decision in 1523 to prioritize their petitions.[234]

Concerning Charles' *corregidores* in post-*comunero* Castile, Haliczer observed that Charles "discouraged his *corregidores* from using overtly coercive methods."[235] Working from examples that took place in 1539 and 1542, Haliczer ascribed to the *corregidor* the kind of power that city judges probably only wished they had. What is more in tune with the archival evidence is the suggestion that Charles made officeholders accountable, which was what the cities wanted all along. Charles and the cities enhanced royal authority, not by giving *corregidores* more jurisdiction, but rather by adopting policies of judicious appointments and continual supervision of government personnel.

The cities and towns took advantage of long-standing problems associated with royal justice, namely the appointment of competent and qualified judges and the management of judicial personnel, by imposing the standard of merit. After the civil wars, they presented Charles with a reconstruction program that clarified royal responsibilities. The cities and towns had the financial leverage to push forward their domestic agenda in the post-*comunero* bargain the crown undertook to earn its city-based salary. In return for subsidies, Charles gave the cities and towns the judicial government they wanted. Charles forged an expert regime that supervised and disciplined royal appointments. He

[231] Ibid., 104.
[232] Ibid., 216–217.
[233] Ibid., 213.
[234] Haliczer notes, incorrectly, that in 1523 Charles refused "to take the advice of urban representatives . . . that they be consulted about matters concerning the general welfare [of the cities] before considering the servicio" (Ibid, 222). But in the subsequent paragraph, Haliczer writes that in 1528 the Cortes realized their new power, adding that Charles "demanded that the [Council of Castile] 'drop all other business' in order to issue *cédulas* that would implement the approved petitions so that the representatives would return to their cities, report favorably on the Cortes, and obtain their cooperation in speeding up collection of the *servicio*" (222).
[235] Ibid., 223–224.

appointed Tavera, the leading patron of the university system, to the presidency of the Council of Castile; Tavera reduced the inefficiency and increased the frequency of *residencias*. Tavera, who knew the legal profession, was also Charles' recruiter. Over thirty-three percent of Charles' *corregidores* were *letrados* and Tavera always recruited *licenciados* to perform audits. There is no archival evidence to demonstrate that Charles sold *corregimientos*, but rather the evidence (of solicitation of *merced*) reveals that *corregidores* incurred debts as a result of their official responsibilities. Charles established a judicial state by recruiting men who were willing to sacrifice their livelihoods for the survival of the monarchy, who wanted to achieve professional goals, and who wanted to do something important in society and in their lives. In effect, *merced* entailed the king's judicious appointments, the enforcement of judicial management policies articulated by *procuradores* and implemented by the Council of Castile, and the opportunity for men to be leaders in society.[236] Since there were more people who merited *merced* than the number of incomes and offices Charles had at his disposal, he presented city seats to powerful men who had provided him with services or (forced) loans. The appointment of city councilmen (*regidores*) was a much more difficult job than the appointment of *corregidores*. For city council vacancies, Charles had to weigh many factors such as family ties, oligarchical pressures, past services, and individual merit. When Charles selected judges for *corregimientos* he discarded local politics and kinship systems.

Charles successfully implemented two strategies of state formation. After a challenge from the Cortes, he abandoned what Castilians regarded as corrupt patronage. Because the Cortes controlled much of the government's revenue, it imposed a new system of benefaction based on competence and accountability. Charles' need to maintain the loyalty of the aristocracy was equally as important as his duty to provide the cities with local judiciary they could hold accountable. Charles continued to appoint nobles to his court and he selected those with extensive military experience for *corregimientos* in regions requiring their skills on the battlefield and at sea. When Charles appointed qualified *corregidores* he was not exercising patronage, he was doing his duty.

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[236] For analysis of political praxis as *merced*, see José Luis Bermejo Cabrero, *Poder político y administración de justicia en la España de los Austrias* (Madrid: Ministerio de Justicia, 2005), especially chapter "El control de la gracia del rey."

CHAPTER THREE

EXECUTIVE REFORM, HISPANICIZATION, AND EARLY MODERN STATE FORMATION[1]

Whereas Chapter II established how Charles implemented parliamentary resolutions affecting municipal governments and how he used *merced* to hold a seignorial alliance, Chapter III will demonstrate how Charles practiced the strategy of administrative reform and forged a Spanish dynasty (and Chapter IV will explain the strategy of judicial reconstruction). The following chapters (III and IV) thus offer an examination of strategies of early modern state formation consisting of management programs of accountability and hispanicization policies of household reconstruction.[2] The administration of councils and the royal household are two of the three elements that constituted Spanish early modern government (the third element, the appellate court system, is the subject of Chapter IV). Such state formation was neither accidental nor inevitable; the system was constructed and reconstructed by individuals and groups who developed governmental mechanisms conforming to the management resolutions configured by the *procuradores* to the Cortes. The parliamentarians helped to blend governance with civic ethics; their mechanisms were based on procedures with the purpose of maintaining a meritocracy, consisting of learned and experienced graduates of law and a cast of power brokers, in the king's bureaucracy.[3] Early modern government was a legal system that served municipalities, and municipalities provided the resources and management reform policies. Civic traditions informed the qualifications and responsibilities demanded of personnel appointed to government positions. Law graduates increasingly

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[1] See Fig. 7 for Charles' Spanish and Castilian jurisdictions.

[2] For the dynamic of Castilianism and the [Hispanicization] of Castile, see I.A.A. Thompson, "Castile, Spain, and the monarchy: the political community from *patria natural* to *patria nacional*," in *Spain, Europe and the Atlantic world: Essays in honour of John H. Elliott*, ed. Richard L. Kagan and Geoffrey Parker (New York: Cambridge University Press, 1995), 125–159, especially 137–141.

[3] On the role of power brokers in parliaments and bureaucracies of early modern Europe, see Jack Goody, *Succession to High Office* (Cambridge: Cambridge University Press, 1966).

made appearances, especially at the executive level and in the appellate courts, because the constitutional enfranchisement demanded a professional judiciary accountable to management standards. Charles understood after the *comunero* revolt that it was crucial that he construct a merit-based government and a Spanish court (*casa y corte*), particularly as his multiple (imperial and dynastic) duties necessitated his frequent absence from Spain. As Holy Roman Emperor, he required a reliable Spanish constituency to support his imperial career.

The Spanish administration was effectively built in partnership with the cities through the implementation of parliamentary propositions of state management. This chapter describes the development of a large Spanish constituency of statesmen, bureaucrats, officers, judges, and servants of the crown. The first section, "The Spanish Administration," is an overview of the itinerant executive that followed Charles and his own court during the seven-year period of residency in Spain (1522–1529). Charles had to transform his administration into a Spanish executive, divided into advisory boards and judicial councils and filled with qualified personnel. Charles promoted Castilians at all levels of his administration. The second section, "The Council of State," reveals how Charles not only accommodated Spanish subjects but also cultivated his multicultural inheritance by securing the political careers of non-Spanish servants and Habsburg vassals. The Council of State (*consejo de estado*) was a supranational board of nobles who provided expertise in continental and dynastic predicaments, namely 'foreign' affairs involving the Low Countries, France, the German empire, and the Italian principalities and city states. The third section, "The Council of Aragon" (*consejo de Aragon*), shows how Charles—who himself had established the unity of the Spanish realm after a period of great discord—incorporated Aragonese subjects and reformed the appellate courts of Aragon. As monarch of Aragon, which included the kingdoms of Sicily and Naples, Charles depended on the services of Mecurino Gattinara (1465–1530), a lord of a Piedmont jurisdiction and whose cultural upbringing was a combination of Savoyard, Burgundian and Renaissance values.[4]

[4] Manuel Rivero Rodríguez, *Gattinara: Carlos V y el sueño del imperio*, Serie Historia (Madrid: Sílex, 2005); Giuseppe Galasso, "Lettura dantesca e lectura umanistica nell'idea di imperio del Gattinara," in *Carlos V y la quiebra del humanismo político en Europa, 1530–1558, congreso internacional, Madrid, 3–6 julio 2000*, ed. José Martínez Millán, 4 vols. (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001), 1:93–114.

The sections that follow consider the Castilian institutions which contributed to the restoration of institutional coherence under the king. Charles divided the *consejos* or councils into distinct competencies. The financial bodies, under the supervision of "The Council of Finance" (*consejo de hacienda*), included the Council of the Crusade (*consejo de la cruzada*), the accounting office of revenues (*contaduría mayor de hacienda y rentas*), and the accounting office of expenditures (*contaduría mayor de cuentas*).[5] The subsequent section concerns "The Council of Castile" (*consejo de Castilla*), the highest appellate court of the crown of Castile that included the king's Castilian Privy Council (*cámara de Castilla*). The next section, "The Household," considers the creation and organization of over 2000 servants and vassals. The household served the king and his immediate family, and it encompassed distinct groups. Hence this section contains sub-sections: the *Upstairs* and *Downstairs* (which includes the Household Security, the Transportation Team, and the Medical Staff), the Hunting Organization, the Defense Department, and the Chapel.[6]

The final section, "The Formation of a Spanish Monarchy," is an examination of the departments and staffs of Empress Isabel (r. 1526–1539). Service in the royal household was a position of privilege, but it was also an important issue for the *procuradores* to the Cortes, who insisted that Charles establish a Spanish dynasty. In this section I examine the Empress' peripatetic court and its features of domestic accommodation and responsibilities. I divide distinct services into sub-sections: Marriage Negotiations, the Household Upstairs, the Downstairs and the Stables, and the Regency (1529–1532) under Empress Isabel and President Tavera. (The transition of the royal household from a peripatetic court to a localized network of permanent residences around Madrid did not occur until the reign of Philip II [1527–1598], who commissioned the construction of the Escorial for that purpose.) Charles forged an early modern state consisting of a monarchy that was moveable, but the system became less mobile and more fixed by the second half of the sixteenth century.[7] Charles initiated, with the help of the Cortes, a government that later in the century became centered in Madrid and that increasingly cultivated a regional economy to furnish resources and

[5] See Fig. 1.
[6] See Fig. 6, "Charles' Household."
[7] For a list of Charles' Spanish jurisdictions constituting his *patrimonio real*, see Fig. 7, "Principal Appellate Courts and Jurisdictions."

worldly goods, thereby laying the foundations for the rise of a modern nation state with a center and a capital that cultivated imperial grandeur and achievements of Spanish municipal-based expansionism.

The Spanish Administration

Before Charles began to rationalize the Spanish administration, he created the Council of Justice in Flanders and established an appellate court in Malines. From June 1521 to May 1522, although he wanted to leave, Charles was stranded in Flanders with no funds to cover his travel expenses. When he was finally able to depart in the spring of 1522, he visited his uncle, Henry VIII of England, in order to obtain loans and to make peace by a marriage.[8] Charles returned to Spain in 1522 amid notable accomplishments: first, the royal victory over the *comunero* forces in Villalar in April 1521; and second, his defeat of the French in Milan in November 1521. In January 1522, Adrian of Utrecht, the co-regent of Spain, became pope. In April 1522 imperial armies defeated the French in La Bicocca, and in March Charles' vassals conquered the *germanía* revolutionaries in Valencia.

When Charles returned to Spain, he evaluated the careers of royal officials (*servidores*) who remained faithful during the revolution and who continued to make sacrifices for the benefit of the monarchy. Charles' priority was to reform the Castilian administration into a meritocracy consisting of prelates and law graduates. In order to do this he eliminated from government posts all but a handful of aristocrats; those whom he retained had earned law degrees or served in *corregimientos* in borderlands and frontiers whose officials required extensive military and naval experience. No longer a patron-client organization (or appointment based on loyalty rather than merit), the royal administration devoted itself to management; hence the fundamental qualification of functionaries was a law degree. Charles no longer appointed favorites and courtiers to judicial office, nor did he sell executive positions, and he did not make appointments based on patronage.[9] He applied management standards to shape an administration of councils, advisory boards,

[8] Treaty of Alliance, Windsor, 16 June 1522, and Secret Treaty, Windsor, 19 June 1522, CSP, Spain, 2:434–435, 438–440.

[9] For patronage, see Gellner, "Patrons and clients," in *Patrons and Clients in Mediterranean Societies*, 1–6.

and finance offices (see Fig. 1). Charles organized the Spanish system into six judicial councils (the Council of Castile, the Council of Aragon, the Council of the Inquisition, the Council of the Indies, the Council of the military order of Santiago, and the Council of the military orders of Calatrava and Alcántara), a non-judicial Council of State and War (*consejo de estado y guerra*), and the Council of Finance (*consejo de hacienda*) consisting of the Council of the Crusade (*consejo de la cruzada*), a finance committee supervising revenues from crusade bulls (*comisaría general de la cruzada*), an accounting office of revenues (*contaduría mayor de hacienda y rentas*), and the accounting office of expenditures (*contaduría mayor de cuentas*) (see Fig. 2).[10] In 1524–1525, the Council of Finance began to supervise the Council of the Crusade (*consejo de la cruzada* and *comisaría general de la cruzada*), the accounting office of revenues (*contaduría mayor de hacienda y rentas*) and the accounting office of expenditures (*contaduría mayor de cuentas*).[11] For each session of a designated undertaking, Charles mandated attendance policies.[12] The Council of Castile had to assemble

[10] For the councils of the military orders, see AGS, Estado, leg. 11, fol. 151, Valladolid 1523. For the origins of the Council of Indies, AGS, Estado, leg. 11, fol. 164, 1523? "los consejos de SM"; for its first president, AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 20, fols. 597–602, "Presidente del consejo de Indias, con 200,000 maravedís de quitación, 4 Aug. 1524"; cf. Schäfer, *El consejo de las Indias*, 1:43–46. In 1523, the members of the Council of the Inquisition included Licentiate Aguirre, Dr. Manso, and Polanco. Prior to 1523, the council was of the Inquisition of the crown of Aragon, not Castile. For details, see José Martínez Millán, "Las élites de poder durante el reinado de Carlos V a través de los miembros del consejo de inquisición, 1516–1558," *Hispania* 48 (1988): 103–167, 107–109. The two councils of the military orders, of Santiago and of Calatrava/Alcántara, the Council of the Inquisition, the Council of the Crusade, and the Council of the Indies were already thoroughly hispanicized institutions (with the exception of Adrian of Utrecht, who served as Inquisitor General of the Council of the Inquisition from 1518 to 1522, and Martire who was a councilor in the Council of the Indies). For the relationship between the *comisaría general de cruzada* and the Council of the Crusade, see José Martínez Millán and Carlos Javier de Carlos Morales, "Los orígenes del consejo de cruzada, siglo XVI," *Hispania* 179 (1991): 901–931, 911–912. For the Council of Finance as a supervisory committee dominated by Spaniards by 1525, in particular Cobos, Tavera, and Francisco de Mendoza, see Carlos Javier de Carlos Morales, *El consejo de hacienda de Castilla, 1523–1602: patronazgo y clientelismo en el gobierno de las finanzas reales durante el siglo XVI* (Avila: Junta de Castilla y León, 1996), 34–48.

[11] For the councils of the military orders, see AGS, Estado, leg. 11, fol. 151, Valladolid 1523. For the origins of the Council of Indies, AGS, Estado, leg. 11, fol. 164, 1523? "los consejos de SM"; for its first president, AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 20, fols. 597–602, "Presidente del consejo de Indias, con 200,000 maravedís de quitación, 4 Aug. 1524"; cf. Schäfer, *El consejo de las Indias*, 1:43–46.

[12] AGS, Estado, leg. 11, fol. 30, 1523, "memorial de los días que cada consejo de SM tiene"; Estado, leg. 12, fol. 184, "los días en que se habian que tener las consultas de los diferentes consejos."

at regular intervals.[13] The councils of state (*estado y guerra*), the Indies, the military orders, Aragon, and the inquisition met for a few hours every week.[14] Members of the councils became official functionaries eligible to receive incomes, fees, or privileges (*mercedes*) for their services.[15]

The cities and towns of the parliamentary network were not going to rubber-stamp Burgundian control over Spanish resources. The executive had to operate within supervisory channels of accountability. Charles gave select councilors, the majority of them Castilians and all of them with credentials of experience and education, latitude to chair their respective councils, and he established an administration based on peer review, especially within the Council of Castile. Charles filled two judicial councils, the Council of Castile and the Council of Aragon, and two executive boards, the *consejo de estado y guerra* and the Council of Finance, with natives of Spain. Although additional councils were established and reformed in the years 1523 and 1524, the councilors of the *consejo de estado y guerra* and the Council of Aragon, and in particular the councilors of the councils of finance and Castile, were the most powerful statesmen in their own right. They constructed their own networks in the other councils and boards of the Spanish empire. Charles allowed Spanish statesmen to rise to power, in particular Juan Tavera, president of the Council of Castile (r. 1524–1539), and Secretary Francisco de los Cobos (1516–1549), secretary of the *consejo de estado y guerra*, the Council of the Indies, and the Council of Finance, and head of the *cámara de Castilla*. Charles and Tavera converted the

[13] AGS, Estado, leg. 11, fol. 164. Some of the councilors of the Council of Castile served in the sub-committee of the Council of Castile, the *cámara de Castilla*, which was also Charles' Spanish Privy Council; they also would preside over cases that the itinerant court of the royal household (*sala de alcaldes de casa y corte*) handled.

[14] The Council of the Mesta was a guild of livestock owners whose president was appointed by the monarchs. I do not have any record of the appointment of a president by Charles. For details of the foundation of the *Mesta* and appointment of a president by the Catholic Monarchs, see Carla Rahn Phillips and William D. Phillips, Jr., *Spain's Golden Fleece: Wool Production and the Wool Trade from the Middle Ages to the Nineteenth Century* (Baltimore: The Johns Hopkins University Press, 1997), 36, 51.

[15] AGS, Estado, leg. 11, fol. 164: "los consejos de SM tienen de salario cada doscientas mil maravedís en el pagador y los del consejo de Castilla tienen comisiones y otros oficios en que se ocupan como cámara, inquisición, cruzada, contaduría, órdenes, mesta que podra valer un año con otra a cada uno doscientos ducados…a los del consejo de Indias parece que se les deve hacer esta merced con alguna ventaja. Por dos razones la primera por el gran trabajo que tienen pues esta a su cargo de todo aquel mando todo lo que en todos los consejos de Castilla esta dividido: estado, guerra, justicia/cámara, hacienda, contaduría, alcaldes de corte. Cuidado particular de buscar personas para todos los obispados y audiencias y otros beneficios y oficios."

Council of Castile into a mechanism for peer review by reducing it to twelve councilors who advised Charles on the selection of judges for the appellate courts and the councils of the Spanish empire.

Charles' newfound resolve to forge a Spanish monarchy that would conform to the expectations of the Castilian republics resulted in the reconstruction of a two-tier Spanish bureaucracy: a judiciary of councils and an administration of advisory boards and financial teams. (Charles had inherited a body of Spanish councils created by the Catholic Monarchs, especially the *consejo de Castilla*, the *cámara de Castilla*, and the finance boards under the *mayordomo mayor*).[16] The fiscal and advisory administration attempted to resolve urgent issues dealing with commercial, financial, and procurement strategies.[17] Charles streamlined this advisory bureaucracy by basing his reform strategies on what the *procuradores* wanted, designating ministers to specialized sessions and limiting them to only one position.[18]

In 1522–1523 Charles consolidated his military victories in Spain by applying appointment standards formulated in the Cortes. The king followed a long-standing tradition when he nominated prelates to chair the councils and to supervise the appellate courts. In 1524 Charles appointed the archbishop of Santiago, Juan Tavera, to preside over the Council of Castile, the highest appellate court in the kingdom, which by 1528 retained only twelve of the twenty-eight council seats that had composed it in 1522. By 1530, three of the twelve judges of the Council of Castile were Tavera associates. Charles also appointed Tavera candidates, fellow prelates and jurists, to take charge of the chanceries of Valladolid and Granada (see Chapter IV). Charles called on other

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[16] For the establishment of the *consejo de castilla*, see "Ordenanzas de Toledo de 1480," in Salustiano de Dios, *Fuentes para el studio del Consejo Real de Castilla*, Ediciones de la Diputación de Salamanca, Colección de Historia de las Instituciones de la Corona de Castilla, 1 (Salamanca: Ediciones de la Diputación de Salamanca, 1986). For Isabel of Castile's "administración central" and its finance teams, see Tarsicio de Azcona, *Isabel la católica: estudio crítico de su vida y su reinado* (Madrid: BAC, 1964), 421–445.

[17] For a general description of these activities, see Fritz Walser, "Berichte und Studien zur Geschichte Karls V: die Überlieferung der Akten der kastilisch-spanischen Zentralbehörden unter Karl V," *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen, Philologisch-Historsche Klasse* (1933): 93–138.

[18] Salinas wrote to Ferdinand that "en las cortes que SM tuvo en Valladolid le fueron demandadas muchas cosas. SM les ha concedido, según me dicen, todo o la mayor parte de lo que demandaron." Logroño, 4 Oct. 1523, Rodríguez Villa, *El emperador Carlos V*, 148. Among those demands, Charles had to "meter orden y limitación en los oficios." For Charles' royal decree on reforming his administration, see AGS, Estado, leg. 11, fol. 17.

ecclesiastics to form a Castilian administration, filling the judicial and advisory councils with *letrados clérigos*, Castilian ecclesiastics knowledgeable in Roman and canon law. Charles rewarded his clerical bureaucrats with benefices ranging from deaconries to bishoprics.

After sweeping away the Burgundians, Charles hispanicized his administration. Most of the departments of the court consisted of Spaniards. The only exception was the Council of State (*consejo de estado y guerra*), which was a specialized team of foreign affairs advisors (see Fig. 3).[19] This advisory board was initially staffed by the few Burgundians and Flemings who accompanied Charles from the German empire when he returned to Spain in 1522.[20] Increasingly, Charles filled the *consejo de estado y guerra* with Castilians, a combination of nobles and bureaucrats who were either trained in law or highly ambitious. Their primary function was to mobilize military operations.[21] Castilians also comprised the group of Charles' most elevated councilors on the *consejo secreto*, which faded in 1526. Charles' *consejo secreto* was originally a Flem-

[19] The distinction between the *consejo de estado* and the *consejo de estado y guerra* consists in the decision by Charles to select only a handful of the councilors of the *consejo de estado* to deal with military issues or defense policies. Charles' selection of a minority of the members of the *consejo de estado* constituted the councilors of the *consejo de estado y guerra* who advised Charles' propensity for ad hoc campaigns. In 1529 Charles created a Spanish regency to govern Spain during his absence. Charles designated the *consejo de la guerra* as a separate body that assembled normally with the councilors of the *consejo de estado*: "Que las cosas de la guerra se traten y despachen con los del consejo de la guerra, como hasta aquí se ha hecho, y quando convenga ha de mandar la emperatriz que se junten los del estado y ellos para proveer lo que sea necesario" (AGS, Patronato Real, leg. 26, fol. 14, Charles to the Empress, Toledo, 8 March 1929). In another document, when Charles was about to depart for Tunis, he ordered the Empress to consult with the Council of State and in particular with three of its members who formed the Council of State and War: "consejo que dicen del estado dejo señalados para ello a los muy reverendos cardenales de Toledo y Cigüenza e al conde de Miranda y al conde de Osorno y en este consejo se tratarán las cosas de guerra" (AGS, Patronato Real, leg. 26, fol. 41, Madrid, 1 March 1535).

[20] The *consejo de estado* began as the *consejo de cámara*, which was the Spanish name for Charles' Burgundian *conseil privé*. Upon his return to Spain in 1522, Charles changed the *consejo de cámara* and split it into two bodies, the *consejo secreto* and the *consejo de estado*. Yet by 1529 Charles does not use the term *consejo secreto* to distinguish a select group of councilors. Both the *consejo secreto* and the *consejo de estado* were executive boards of Charles' closest advisors who discussed foreign and dynastic affairs that impinged on the future of the Habsburg patrimony, which consisted of all of Charles' lordships in the Americas, the German empire, Hungary, the Low Countries, Italy, North Africa, and Spain. Charles selected councilors from the *consejo de estado* to form ad hoc commissions and the Privy Council, the *cámara de Castilla*.

[21] See, for example, the *consulta del consejo de estado* (Granada, Nov. 1526), detailing the importance of organizing three preparations for warfare in Italy, Austria, and North Africa (AGS, Estado, leg. 14, fol. 7).

ish and Burgundian council of nobles (*conseil privê*), referred to as the *conseil privé* before 1516 and the *consejo de cámara* between 1516 and 1522. When Charles settled in Spain in the 1520s the *consejo secreto* became a multilingual and multicultural board consisting of nobles, jurists, and functionaries. The significant difference between the old *conseil privé* and the *consejo secreto* was that Spanish *letrados* and grandees dominated this executive board in charge of diplomatic and military assignments.[22] By the regency of 1529–1532, the *consejo de estado* became the central organization of councilors Charles selected for the administration and execution of major diplomatic and military assignments.

Charles relied on the *cámara de Castilla*, a sub-committee of councilors of the Council of Castile, to administer *mercedes*. The *cámara de Castilla* should be distinguished from the *consejo de cámara*, which was, as noted above, the precursor to the *consejo secreto.* In 1522 Charles reformed his Privy Council (*consejo de cámara*), which he renamed the *consejo secreto*, moving to include Spanish grandees and prelates among his Flemish and Burgundian advisors. Beginning in the reign of the Catholic Monarchs (1474–1516), the *cámara de Castilla* consisted of *letrados* of the Council of Castile (*consejo de Castilla*) and a handful of secretaries, and both groups assisted in the exercise of the monarchs' execution of *merced*.[23] The *cámara* was always a subcommittee of the Council of Castile, sometimes technically separate, but quite often indistinguishable from it. The *cámara* only dealt with privileges and exemptions that required the king's application of absolute power, because most provisions of the *cámara* conflicted with established Roman-Visigoth laws of the kingdoms of Castile.[24] The *cámara* was not a judicial organ that sought to

[22] This study is not about how the nobility actually behaved, but about the institutions that shaped the way nobles and state officials became political actors. I reject the admonition that "any attempt to understand them [nobles] as political actors must simultaneously consider them as persons—not merely or even primarily as individual personalities but collectively, as social beings united by distinct values, expectations, and self-regard." Kristen B. Neuschel, *Word of Honor: Interpreting Noble Culture in Sixteenth-Century France* (Ithaca: Cornell University Press, 1989), 16.

[23] Dios, *Gracia, merced y patronazgo real*, 127. Dios divides *merced* and *gracia, gracia* being the "moderación de la justicia," that is the monarch's forgiveness, clemency, and pardons. *Merced*, on the other hand, was "justicia distributiva," or the monarch's decision to return a favor or service provided by vassals. In short, *gracia* denoted an unmerited dispensation; *merced* was earned. For analysis, see Dios, *Gracia, merced y patronazgo real*, 103, 274–293, 352–360. During Charles' reign, however, *merced* was a much more fluid concept, signifying both Charles' merciful will and judicious patronage.

[24] On the Trastámara tradition of absolute power, see Dios, *Gracia, merced y patronazgo real*, 69–121.

dictate decisions based on laws, nor did members of the *cámara* manage judicial appointments and audits. The *cámara* received all petitions and after consultation with Charles, the Council of Castile, and Secretary Cobos, issued decrees, letters patent, and official documents with the king's seal providing a concession. Secretary Cobos, a Castilian who initiated his royal career as secretary in 1503, enlarged his sphere of political influence in 1510 when King Fernando appointed him to supervise the provision of *mercedes*.[25] Examples of *mercedes* administered by the *cámara* included privileges of tax exemption (*hidalguía*), perpetual trusts (*mayorazgos*), naturalization papers, pardons, and the legitimization of illegitimate children for the purpose of inheritance.

In 1517 Charles had added one foreigner to the *cámara*, Jean Sauvage, who died the following year.[26] Since that first stay in Spain, Castilians always controlled the *cámara*: the bishop of Badajoz (Dr. Pedro Ruiz de la Mota, 1516–1522), García de Padilla (1516–1542), two *letrados* of the Council of Castile (Luis de Zapata and Galíndez de Carvajal), and three secretaries (Francisco de los Cobos, Antonio de Villegas, and Bartolomé Ruiz Castañeda).[27] Charles also relied on Mercurino Gattinara. An orphan born in 1465 in the duchy of Savoy and raised in the Piedmont town of Vercelli, Gattinara studied law in Turin. In 1493 he began his legal career in service of the duke of Savoy, Filibert II. In 1501 he went to serve in the court of Margaret of Austria, beginning a long tenure of service for the Habsburgs. In 1510 Gattinara went on embassies to Spain and France representing the interests of Emperor Maximilian, but not until 1519 did he begin to reside in the court of Charles who had just won the imperial election. When the imperial court returned to Spain in 1522, Gattinara encountered similar problems that he had already endured in the Low Countries: the resistance of natives regarding foreigners and their appointment to offices that should be granted solely to natives. Upon his return to Spain in 1522, Charles relied on Gattinara, who did not supervise Spanish or Castilian institutions nor hold any Castilian office.

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[25] AGS, Quitaciones de corte, leg. 16; Keniston, *Francisco de los Cobos: secretario de Carlos V*, 14.

[26] For the *comuneros*' critique of the *cámara de Castilla*, see CODOIN, 1:272–283. Regarding the functions of Charles' *cámara*, the *comuneros* resented Charles' appointment of foreigners to Spanish offices and his concession of licenses permitting the exportation of prohibited metals and goods.

[27] Dios, *Gracia, merced y patronazgo real*, 174–177.

In 1522, unlike the situation in 1517, Castilians were in charge of their government, so they were not going to allow Gattinara to gain control over Castilian resources. Secretary Cobos was the patron of the *cámara*, and assisted by his secretaries and the Council of Castile, he took control over Castilian matters, forcing Gattinara to deal with dynastic issues involving Italy and the empire. Though he tried to centralize Spanish government under the Imperial Chancery, Gattinara encountered a resistance to his vision of an imperial Habsburg system that subordinated Castilian concerns to those of the Habsburg dynasty.[28] In 1528 Charles altered the *cámara* in order to restrain the provision of *mercedes* during his absence from Spain. In 1528–1533, two jurists of the Council of Castile, President Tavera and Licentiate Luis González de Polanco, and Cobos' nephew, Secretary Juan Vázquez de Molina, composed the *cámara*. The *cámara de Castilla* was the boardroom where the native 'players' lobbied for favors and where individuals sent their private requests seeking dispensations and privileges.

In 1516 Charles had relied on Spaniards to help him deal with his correspondence and finance, but after 1522, the Spanish secretariat monopolized all correspondence pertaining to Spanish jurisdictions and in 1524 Spaniards dominated the Council of Finance. Charles continued to rely on the Imperial Chancery under Chancellor Gattinara to facilitate, for example, diplomacy in Rome, the German empire, and France. As Chancellor of Aragon, Gattinara administered the Council of Aragon (1522–1530), with its system of vice-chancellors, regents and treasurers.[29] Chancellor Gattinara and Juan Alemán handled imperial correspondence, and when Gattinara died in 1530 Charles replaced him with the lord of Granvelle, Nicolás Perrenot, a Burgundian.[30]

Secretary Cobos, on the other hand, was the enduring chief of Spanish correspondence and the Council of Finance. He formed a close-knit staff of Spaniards in charge of *merced*, which in this instance consisted

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[28] For the friction between Gattinara and Cobos, see Keniston, *Francisco de los Cobos: secretario de Carlos V*, 96–100. In 1527, Charles forced Gattinara to leave Spain. For details of Gattinara's chancellorship and his departure from Castile, see Headley, *The Emperor and his Chancellor*, 114–139, 115. For some details about Gattinara's 'national' identity, see Headley, *The Emperor and his Chancellor*, 4–7. For a narrative of Gattinara, see Manuel Rivero Rodríguez, "Gattinara y la reformación del gobierno de la corona de Aragón," in *La corte de Carlos V*, 1:208–221; Rivero Rodríguez, *Gattinara*.

[29] The regent of the Chancery of Aragon since 1522 was Gattinara's nephew, Giovanni Bartolomeo Gattinara. For biographical description, see Rivero Rodríguez, "Gattinara, Giovanni Bartolomeo," in *La corte de Carlos V*, 3:166.

[30] On the decline of Gattinara, see Headley, *The Emperor and his Chancellor*, 115–135.

of the distribution of government jobs and royal incomes. Cobos' longstanding tenure as the secretarial head of the Spanish empire began in 1517, whereas the Flemings and Burgundians were given foreign assignments after 1522. Although Secretary Cobos recorded what Charles dictated, Cobos was very influential in royal decisions of *merced*, for Cobos' support of a person's request was instrumental in securing a municipal office or privilege.

The Council of State

In performing his duties as the head of the reformed constitutional monarchy, Charles drew on the policies formulated by the Cortes: downsizing the administration and court, appointing natives of Spain, and limiting officeholders to one position.[31] The king did not have much latitude in rebuilding his government, but he knew that improvements suggested by the *procuradores* to the Cortes would result in making his administration leaner.[32] The reform of government began with the elimination of foreigners. In 1522 Charles took the first step, reducing the Burgundian regime to a committee of foreign affairs advisors. Charles' decision to live up to his duties gave birth to the *consejo de estado y guerra*, the Council of State and War, a multi-national council

[31] "Al tiempo que partí de Flandes para estos reynos en el número de personas que acordé que oviese en los oficios de mi casa dejé muchas plazas vacas para incharlas de naturales de ellos y después acá con las grandes ocupaciones que he tenido no ha avido lugar de se hazer agora yo las he nombrado…y porque en estas cortes a suplicación del reyno se determinó que ninguno no podiese tener más de un asiento." Charles to unknown, Sept. 1523, AGS, Estado, leg. 11, fol. 89; CLC, vol. 4, 1523 Cortes Valladolid, petition 90.

[32] For Charles' promise to hispanicize his court, see AGS, Patronato Real, leg. 70, fol. 9, 62v–63, Valladolid, 1523. For the implementation of the promise, see AGS, Estado, leg. 11, fol. 121, Charles to *contadores mayores*, Burgos, 11 Sept. 1523: "…ya sabeis cómo en estas cortes a suplicación de los procuradores del reyno determiné de reformar algunos oficios de mi casa en lo qual se ha atendido y entiende y por qué cómo sabeys entre los otros hay mucho número de continos…que se reforme lo que agora hay y vosotros sabeys mejor lo que con cada uno se deve hacer y conoceis la calidad de las personas por ende yo vos mando que luego veays todos los continos que están asentados en los libros recibidos por los católicos reyes…y los salarios que tienen señalados"; cf., José Martínez Millán, "Der Hof Karls V.: Das Haus Des Kaisers," in *Karl V. 1500–1558: Neue Perspektiven seiner Henschaft in Europa under Übersee*, ed. Alfred Kohler et al. (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2002), 123–149; Carlos Morales, "Las reformas de las casas reales," in *La corte de Carlos V*, 1:226–233.

dedicated to the survival of the Habsburg dynasty.[33] The king was determined to draw his loyal Burgundians into a useful partnership, given that he needed them to deal with patrimonial matters. The *consejo de estado y guerra* thus played an important role in constructing foreign policy, but it was not involved in crafting the Spanish domestic agenda, which was the domain of the councils of the Spanish empire: Aragon, Castile, Indies, military orders, inquisition, and finance. The *consejo de estado y guerra* had no jurisdiction over any Habsburg lordship and its sole function consisted of devising imperialist strategies and defending the faith.[34] Hence, in the future when Gattinara, the chief councilor of the *consejo de estado y guerra*, occasionally met the *procuradores* to the Cortes, he addressed foreign affairs, especially how royal revenues were to be applied toward the security of Milan, and (after 1526) toward helping Charles' family protect Austria.

One of the most important changes occurred before the king's landing in Santander on July 16, 1522. Charles returned to Spain with only a select group of Burgundian and Flemish courtiers; the ambassador of Archduke Ferdinand of Austria, Martín Salinas, wrote that "Charles brushed off most of his Flemish *privados*."[35] And the king actively replaced foreigners and deceased courtiers with Spaniards.[36] After the weaning of non-Spaniards, the Burgundian-Flemish-Piedmont staff

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[33] José García Marín, *La burocracia castellana bajo los austrias* (Jerez de la Frontera: Ediciones del Instituto García Oviedo, Universidad de Sevilla, 1976), 5–18.

[34] On imperial deliberations among Gattinara, La Chaulx, La Roche, de Vega, Gorrevod, and Nassau, see the transcription of the *consulta* of 1523 in Karl Brandi, "Aus den Kabinettsakten des Kaisers," 181–222; cf. Feliciano Barrios, *El consejo del estado de la monarquía española, 1521–1812* (Madrid: Consejo de Estado, 1984), 48–50. For the argument that the *consejo de estado* was a privy council of advisors, see M.J. Gounon-Loubens, *Essais sur l'administration de la Castille au XVI^e siècle* (Paris: Librairie de Guillaumin, 1860), 137: "Le conseil d'État n'était qu'un conseil privé…dont les attibutions étaient purement consultatives…."

[35] Salinas wrote from Antona, dated on 6 July 1522, to Ferdinand's treasurer, Salamanca, that on the Emperor's return to Spain "el emperador se va sacudiendo de sus privados; de tal suerte que en su navío no ha querido llevar sí solos al conde de Nasao y mayordomo mayor y confesor con sus oficiales y médicos (Rodríguez Villa, *El emperador Carlos V*, 48–52, 51). A royal statute confirms this policy (AGS, Estado, leg. 11, fols. 4–6, 1523, Valladolid, "ordenanza del consejo de hacienda").

[36] AGS, Estado, leg. 10, fols. 21, 22, 24, and 25, "mercedes para caballeros y sus parientes"; Estado, leg. 10, fol. 111, Ghent, 11 May 1522, "minuta que hizo SM"; Estado, leg. 10, fol. 114; Estado, leg. 10, fol. 115, "relación de los que piden oficios y bienes confiscados"; Estado, leg. 11, fol. 20, "minuta de consulta sobre mercedes que pedían grandes, y los oficios que estan vacos"; and Estado, leg. 11, fol. 23, 6 March 1523, "relación de la gente que SM tubo." For a list of the deceased, see Santa Cruz, *Crónica del emperador*, 2:77–78.

of the *consejo de estado* comprised ten councilors: Mercurino Gattinara (Grand Chancellor), Henry of Nassau (Grand Chamberlain), Laurent Gorrevod (Grand Steward), Gérard de Pleine (lord of la Roche), Charles de Poupet, Charles Lannoy, John Hannart, Jacques Laurin (treasurer), Dr. Ludovico Marliano, and father-confessor John Glapion.[37] These foreigners, who survived the layoffs of 1522, did not receive incomes based on Spanish revenues, but rather had to rely on their own incomes and Charles' charity. As the years passed, Charles continued to eliminate foreigners while increasing the number of Spaniards. As soon as Charles arrived in Spain in 1522 he added three Spaniards to the *consejo de estado*: Hugo de Moncada, Pedro Ruiz de la Mota, and Juan Manuel.[38] Four years later he added nine Spaniards: Francisco de los Cobos, Jiménez Urbina, Lorenzo Galíndez de Carvajal, Hernándo de Vega, Alonso de Fonseca, Fadrique de Toledo (the duke of Alba), Álvaro de Zúñiga (the duke of Béjar), Esteban Gabriel Merino (the bishop of Jaén), and García de Loaisa (royal confessor and bishop of Osma).[39]

Charles' decision to replace Burgundians with Spaniards coincided with the formation of the Spanish *consejo secreto*, his privy council from 1522–1526, which was dominated by Spaniards.[40] Francisco de los Cobos (secretary of the Emperor), Juan Manuel (ambassador to the papacy), Hernando de Vega (*comendador mayor* of Castile), Fadrique de Toledo (the duke of Alba), Bernardo Sandoval y Rojas (the marquis of Denia), García de Padilla (former treasurer of the order of Calatrava and president of the Council of the Military Orders of Calatrava and Alcántara), and Antonio de Fonseca (*contador mayor* or treasurer of Castilian revenues) not only attended sessions of Charles' *consejo secreto*, but also assisted the king's provision of *merced* via the *cámara de Castilla*.[41]

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[37] Barrios, *El consejo del estado*, 41–48.

[38] Carlos Morales, "Relación de los consejos de Carlos V, in *La corte de Carlos V*, 3:7–12, 7.

[39] AGS, Estado, leg. 14, fols. 9–10, Granada, 1526.

[40] For the argument that the *consejo secreto* was the precursor of the *consejo de estado*, see Barrios, *El consejo del estado*, 45. Sandoval described the *consejo* as containing 24 knights—six Spaniards, six Flemings, and the rest from diverse regions of the European continent, but he did not call this the *consejo secreto* (*Historia del emperador*, 80:120).

[41] "…pues sabemos que tenía el rey en estos días en su consejo secreto y de su cámara a don García de Padilla y al maestro Mota, obispo de Badajoz, ya nombrado, y por secretario principal a Francisco de los Cobos, todos españoles y personas notables" (Mexía, *Historia del emperador*, 90); Fritz Walser-Wohlfeil, "Berichte und Studien zur Geschichte Karls V: die Überlieferung der Akten der Kastilisch-Spanischen Zentralbehörden unter Karl V," *Nachrichten von der Gesellschaft der Wissenschaften zur Göttingen. Philologisch-Historische Klasse* (1933), 93–138, 126.

The members of the *consejo secreto* understood that they worked for a supra-national monarchy, but they were focused on the maintenance of the Spanish empire, with its complex of kingdoms and communities throughout the Mediterranean and the transatlantic enterprise. These men were obedient vassals and established themselves as a service aristocracy, always ready to travel when necessary on urgent diplomatic assignments, or, in the case of the marquis of Denia, to supervise the court of Queen Juana, who posed a potential jurisdictional conflict. Between 1522 and 1526, the *consejo de estado* and the *consejo secreto* had identical members of two dominant cultural groups, Burgundian and Castilian, and these members constituted the executive board of Charles' most reliable and trusted advisors: Gattinara, Nassau (marquis of Cenete), the Flemish secretary Juan Alemán, and a Spanish contingency led by Juan Manuel, the Spanish ambassador in the court of Prince Philip.[42] During the course of his marriage negotiations, in 1525 and 1526, Charles increasingly relied upon Spanish magnates and prelates for advice. Alfonso Fonseca III (the archbishop of Toledo), Álvaro de Zúñiga (the duke of Béjar), García de Loaisa (bishop of Osma), and Esteban Gabriel de Merino (bishop of Jaén) served on his *consejo secreto*.[43]

The Venetian ambassador, Gasparo Contarini, noted the beginnings of a *consiglio universale*. In essence, Contarini recognized the experimental changes Charles had made when he created the *consejo secreto*, which no longer consisted solely of Burgundians, but included Spaniards as well.[44] Contarini also recognized five Spanish councils (justice or Castile, war, Indies, inquisition, and state) and saw that Charles relied on Spaniards, incorporating them into his inner circle of advisors. In 1524 Charles hispanicized the *consejo secreto* by appointing Juan Tavera to the presidency of the Council of Castile and by relying on Secretary Cobos of the *cámara de Castilla* to supervise Castilian affairs.[45] In 1526,

[42] Salinas to Salamanca, Valladolid, 7 Sept. 1524, Rodríguez Villa, *El emperador Carlos V y su corte*, 210. On Juan Manuel, see Santiago Fernández Conti, "Manuel, Juan," in *La corte de Carlos V*, 3:264–269.

[43] Santa Cruz, *Crónica del emperador*, 2:248

[44] His report was published in "Relazione di Gasparo Contarini ritornato ambasciatore a Carlo V, letta in Senato a dì 16 de Novembre 1525," in *Relazioni degli ambasciatori veneti al senato*, ed. Eugenio Albéri, Serie 1, 3 vols. (Florence: Tipografia All'Insegna di Clio, 1839), 2:11–73, especially 23–41.

[45] For Tavera's reform of the judiciary via audits and addressed to the *consejo secreto*, see AGS, Estado, leg. 15, fol. 20.

Charles' secretaries recorded one of the last sessions of the *consejo secreto*.[46] Subsequent references to the *consejo secreto* are found in letters written by the ambassador of Ferdinand of Austria to Juan Vázquez de Molina, which addressed Vázquez as the *secretario del consejo secreto*.[47] Vázquez held two salaried offices in 1529–1533: secretary of the Council of the Empress and councilor of the *cámara de Castilla*.[48] Charles did not pay incomes to the members of the *consejo secreto*, as it had no administrative function; the privileges of membership were, rather, symbolic, as councilors were recognized as having the full confidence and trust of the king. Outsiders and ambassadors said the *consejo secreto*, consisting of Cobos, Tavera, Vázquez, and Luis González de Polanco, was in effect the Castilian boardroom. Burgundians, on the other hand, found work outside of Spain and attached themselves to Charles' court which after 1529, became peripatetic and ancillary to the court of the Empress and Prince Philip.[49] By the 1530s the *consejo secreto* became defunct and was replaced by the *cámara de Castilla*.

Charles further hispanicized his administration when he established a subcommittee of the *consejo de estado*, the *consejo de guerra* or the Council of War. Under Charles the *consejo de guerra* delivered what he had promised to the *procuradores* regarding the transformation of his administration from a Burgundian to a Spanish one. It also gave Charles the opportunity to extract the maximum funds and advice from a Castilian 'nation' that was already logistically skilled in the exploration of the world.[50] In keeping with his promise to give only one office to each of his councilors, Charles prevented many demanding grandees from entering the *consejo*

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[46] AGS, Estado, leg. 14, fol. 228, Granada, 1526, "parecer sobre governación de las iglesias catedrales y colegiales."

[47] AGS, Estado, leg. 17, fol. 379, Martín Salinas to Juan Vázquez, Tordesillas, 2 Oct. 1529?; Estado, leg. 17, fol. 380, Salinas to Vázquez, Tordesillas, 25 Sept. 1529?; Estado, leg. 20, fol. 272, Salinas to Vázquez, Tordesillas, 9 Oct. 1530.

[48] AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 30, fols. 572–619: "secretario de la Emperatriz, 8 March 1529; escribano de cámara de SM por renuncia de Francisco de Salmerón, 26 Aug. 1530; secretario del consejo de guerra, 19 May 1533, libranzas; merced de 200,000 mrs al año durante las ausencias de SM, 1 May 1543; secretario de estado y guerra de España; secretario de la cámara de Castilla, 10 Oct. 1556."

[49] For the formative period of Philip's childhood, early adolescence, and formation of his court under Tavera, the Zúñiga clan, and the Fonsecas, see José María March, ed., *Niñez y juventud de Felipe II, documentos inéditos, 1527–1547*, 2 vols. (Madrid: Ministerio de Asuntos Exteriores, 1941), especially vol. 1.

[50] For the development of the *consejo de guerra* as a judicial tribunal, see Santiago Fernández Conti, *Los consejos de estado y guerra de la monarquía hispana en tiempos de Felipe II, 1548–1598* (Valladolid: Junta de Castilla y León, 1998), 253–256.

de estado, which meant that they were not entitled to salaries. Rather than paying his councilors a salary, Charles offered them positions on the Council of War. In 1524, for example, Luis Fernández Manrique (the marquis of Aguilar), Bernardo de Sandoval y Rojas (the marquis of Denia), Alonso Téllez Girón, and Rodrigo Manrique were reduced to a single post each on the Council of War, eliminating them from salaried positions[51] (only the secretaries of the Council of War received incomes).[52] In effect, the grievances of the *comuneros* and the *procuradores* to the Cortes led to structural reforms affecting the executive.

Charles gave Spaniards control over their institutions, in particular the conciliar style of government articulated by the Catholic Monarchs. In 1524–1526 at least ten Spanish councilors—and one Basque secretary—dominated the Council of War, which included only one Burgundian and one Italian.[53] Spearheaded by the duke of Alba, the Council of War came to form a powerful new special interest group promoting an imperialism focused on securing Spanish influence in Italy.[54] During the regency of 1528–1532, Charles chose another Basque, Andrés Martínez de Ondarza, to be the secretary of the Council of War. President Tavera, in charge of naval procurement during the regency,

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[51] AGS, Estado, leg. 11, fol. 11.

[52] But salaries for the secretaries of the Council of War did not begin until the regency of 1529–1532. For Pedro de Zuazola, see AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 38, fols. 988–991. For Juan Vázquez de Molina, see Escribanía Mayor de Rentas, Quitaciones de corte, leg. 30, fols. 572–619.

[53] Carlos Morales, "Relación," 3:7–8.

[54] For the nomination of the duke of Alba, see AGS, Estado, leg. 11, fol. 24, 6 March 1523, "Relación de la gente que SM tuvo." Hernando de Vega was Charles' *privado* serving in the *consejo de estado y secreto* (Salinas to Salamanca, Valladolid, 7 Sept. 1524, Rodríguez Villa, *El emperador Carlos V*, 210). Vega may have had a dispute with the archbishop of Santiago (Alfonso de Fonseca) over foreign policy, since Fonseca was critical of Spanish intervention in Northern Italy. For the dispute, see Francés de Zúñiga, *Crónica burlesca del emperador Carlos V*, ed. José Antonio Sánchez Paso (Salamanca: Ediciones Universidad Salamanca, 1989; 1529?), 90. For the thesis of Spanish hegemony in Italy, see Giuseppe Coniglio, *Il regno di Napoli al tempo de Carlo V: amministrazione e vita economico-sociale* (Naples: Edizioni Scientifiche Italiane, 1951) 4–8; Miguel Ángel Echevarría Bacigalupe, "Relaciones económicas y fiscales en la monarquía hispánica, siglos XVI–XVII," *Hispania* 51 (1991): 901–932. The duke of Alba, his sons, the marquis of Astorga, and the count of Benavente formed an elite group that, according to Carlos José Hernando Sánchez, became "uno de los principales bloques de presión en la corte imperial," advancing the defense of Aragonese possessions in Italy. *Castilla y Nápoles en el siglo XVI: el virrey Pedro de Toledo, linaje, estado, y cultura, 1532–1553* [Salamanca: Junta de Castilla y León, 1994), 71. For the pact established by the duke of Alba and the marquis of Astorga, see "Confederación, alianza, y pleito homenaje entre varios Grandes el año de 1514, siendo gobernador de Castilla el Rey Católico Fernando V," CODOIN 8:550–553.

supervised all of the councils and secretaries, attempting to save money by balancing expenditures with revenues.[55] When Charles returned to Spain in 1533, he gave Juan Vázquez de Molina the job of handling all correspondence associated with procurement and military strategy, while depending on Tavera to find new sources of revenue.

The Council of Aragon

In the years 1522 and 1523, Charles oversaw the transition from the old Burgundian regime to a meritocracy based on service, accountability, and on the principle of appointing natives to their respective councils. The government of 1518–1522 had failed to deliver what the cities wanted, but Charles could not fire many of his loyal officials. Charles continued to support the careers of many who had received their positions from Fernando of Aragon, especially Aragonese bureaucrats. These included functionaries in the Chancellery (*cancillería*), which registered and sealed documents, and in the Council of Aragon (*consejo de Aragón*), the highest appellate court for the crown of Aragon (see Fig. 4). Although Charles followed Castilian advice and prevented Gattinara from holding a Castilian office, the king gave Gattinara the dual task of supervising both the Aragonese chancery and the Council of Aragon.[56] A foreigner, Gattinara had knowledge of Italian affairs, which was important for the one presiding over the Council of Aragon (the kingdoms of Sicily and Naples were Aragonese claims). Supported by Gattinara, Aragonese courtiers and officers cooperated in Charles' effort to hold on to Sicily, Naples, and Milan. Jon Arrieta Alberdi argues that the 1522 reforms of the Council of Aragon were the means through which Gattinara administered his Italian policy, which involved centralizing Charles' revenues and distribution of *merced*.[57] These efforts to place the executive system under Gattinara went against the ambition of Secretary Cobos and other Spaniards,

[55] For Tavera's role in the *consejo de hacienda*, see Carlos Morales, *El consejo de hacienda*, 34–57.

[56] For Charles' pragmatic of 1522, "asentar y ordenar las cosas del exercicio de nuestro real consejo de los reynos de la corona de Aragón," see Sayas Rabanera y Ortubia, *Anales de Aragón*, 436–448; Rivero Rodríguez, "Gattinara y la reformación del gobierno de la corona de Aragón," in *La corte de Carlos V*, 1:208–221, 209.

[57] *El consejo supremo de la corona de Aragón* (Zaragoza: Institución Fernando el Católico, 1994), 100.

especially those who had served under King Fernando of Aragon. Secretary Alonso de Soria, who was Fernando of Aragon's secretary, now advised Charles to appoint natives of Aragon to govern Aragon's diverse realms and principalities (which included the kingdoms of Sicily and Naples), placing, for example, Sicilians to serve in Sicilian offices.[58] Soria's allies were the major ecclesiastical leaders of Castile, President Tavera and the archbishop of Toledo (Alfonso Fonseca), both of whom opposed foreigners holding Spanish offices.[59]

Charles appointed Spaniards to Aragonese posts. Six presidents (*regentes*) of the Chancellery and one president of the Council of Aragon, don Luis Carroz, governed Aragon along with the accounting staff of the *maestre racional* of Valencia. The *maestre racional* consisted of two officials, fourteen members of the treasury (*thesorería*), the high seneschal (*gran seneschal*) and his three chamberlains (*camarlengos*), seven secretaries, the staff of the payroll office (*escrivanía de ración*), and numerous ushers (*porteros*).[60] Charles incorporated additional men from Aragon, Valencia, and Catalonia to serve as secretaries and judges.[61] Many nobles from the kingdom of Valencia wanted to serve in Charles' household, including the duke of Segorbe, the duke of Gandía, the count of Oliva, and the admiral of Aragon.[62] Charles also granted *mercedes* to Aragonese functionaries from the Aragonese patrimonial revenues.[63] By advancing the careers of loyalists and opening up new avenues of service for aristocrats and graduates of law, Charles strengthened the ties between himself and his aristocratic vassals in Aragon.[64] He also

[58] Rivero Rodríguez, "Gattinara y la reformación del gobierno de la corona de Aragón," 1:208–221, 213–214. For Soria's "negociación de gracia, oficio y merced," see Headley, *The Emperor and his Chancellor*, 148–150.

[59] AGS, Estado, leg. 20, fol. 33, Madrid, 24 Jan. 1530?, the archbishop of Toledo to Charles; Estado, leg. 20, fol. 181, Madrid, undated, President Tavera to Charles. Both wrote in support of Soria who was "enfermo y pobre" and that Charles "se acuerde de le hazer alguna merced por la iglesia." Soria became imperial ambassador in Genoa (CSP, Spain, part 1, Henry VIII, 1525–1526, 3:59–61).

[60] AGS, Estado, leg. 11, fol. 46, "Todas las personas que estan asentadas en carta de ración de la casa de SM y los libros de su escrivanía de ración."

[61] AGS, Estado, leg. 11, fol. 48, 1523? unsigned letter for Cobos. Listed are five *Aragoneses*, 7 *Valencianos*, and 3 *Catalanes* "para asientos de la casa del emperador."

[62] AGS, Estado, leg. 11, fol. 53, "Los hombres de títulos y otros caballeros del reino de Valencia que tienen forma de servir."

[63] AGS, Estado, leg. 11, fol. 46, "relación de los oficiales del rey nuestro señor que estan asentados en los libros de Aragón."

[64] For a more detailed list of Aragonese officeholders, see Carlos Morales, "Relación," 1:9. Note also the continuation of certain families in Aragon offices. For details, see Rivero Rodríguez, "Gattinara, Giovanni Bartolomeo," 3:166.

mediated between the interests of well-born and well-educated officials by promoting the careers of lawyers in government while using the services of aristocrats as military and courtly officials.

The Council of Finance

For Charles the most urgent business was money, the necessity of finding additional revenue. As soon as foreign activities (especially the imperial election of 1519) began to deplete royal revenues, the cities grew weary of the imperialism of the Habsburg dynasty, demanding that their king organize the finances of his Spanish patrimony, that is straighten out his budget for Spain before campaigning extensively in Europe. From 1517 to the end of the *comunero* wars Castilians had increasingly become critical of the machinations of the Burgundians controlling Spanish revenues.[65] Charles had used his Burgundian regime to rake in Castilian funds. Even Charles' chief finance broker, Francisco Vargas (1516–1524) of the Council of Finance, had urged the king to put an end to what the Spanish considered to be Burgundian corruption, but to no avail.[66] It took the revolution to convince Charles at least to allow Spaniards to administer Spanish sources of revenues. Charles did not establish a Spanish-controlled council of finance until the end of 1523 and the conclusion of the sessions of the Cortes.

Within a year of his return to Spain in July 1522, Charles formed a finance council of servants who focused on saving money and making the best deals with creditors. Charles now faced the task of overhauling his finances, and he set up a supervisory council whose tasks were to handle contracts with bankers who administered royal revenues, to track down all incomes, to maintain a balance sheet, and to satisfy creditors.[67] The *procuradores* to the 1523 Cortes had made it very clear to Charles that Castile would not allow an administration of foreigners to control royal revenues. From the beginning of his rule, Charles had a necessary set of military expenditures and he had to remedy the major cause of the revolution of the *comunidades*—the control of Castil-

[65] AGS, Estado, leg. 11, fols. 4–6, 1523, Valladolid, "ordenanza del consejo de hacienda."

[66] For the critique of the Flemish Council of Finance, see the 1522 *relación* by Vargas, AGS, Estado, leg. 10, fol. 122.

[67] Carlos Morales, *El consejo de hacienda*, 37.

ian revenues by foreigners. Charles had inherited a staff of Castilians who had served King Fernando, and now after the civil wars these Castilians came to play a major role in Spanish politics and finance. Secretary Cobos, who was in charge of the commission to supervise revenues and expenditures, managed a staff of financial specialists and bankers. Charles had already assigned Cobos the supervision of all correspondence, in particular requests for *mercedes* or offices with salaries drawn on royal revenues. Cobos was not just Spanish, he was a Castilian with long record of supervising *mercedes* for King Fernando. *Mercedes* were also salary compensations, especially for extended periods of loyal service. Royalists, for example, who had served the crown or had provided military assistance, such as was the case for many who received *regimientos*, solicited for any range of *mercedes* that entailed an income.

One of the first steps that Charles took to put some order in his fiscal system was to eliminate a major source of municipal grievances: the control of Castilian revenues by foreigners. Charles removed the Burgundian foreigner, Grand Chancellor Gattinara, from the finance committee in 1525 when Charles created the Council of Finance.[68] The new finance system, to be supervised by Secretary Cobos and Juan Tavera, resulted in a complex organization of supervisors handling sources of royal revenue: Treasurer General and Argentier Juan de Adurza (1525–1530), Treasurer Alonso Gutiérrez de Madrid (1524–1531), Sancho de Paz (1525–1543), Juan de Bozmediano (1524–1543), Pedro de Zuazola (1526–1536), and Cristóbal Suárez (1525–1549).

As for the Burgundians, they continued to play an important role, but not in Spain. Although Gattinara continued to intervene in Italian affairs, he played a minor role in Spain once Charles began to reform his *estado* in 1523. Charles came to rely upon Spaniards to administer the needs of the monarchy and its fiscal relationship with the cities and the church of Spain.[69] Gattinara's decline in 1523 was followed by the removal of the Burgundian John Hannart, who was sent away on imperial business and, due to intrigues and scandal, removed from the

[68] AGS, Consejo y Juntas de Hacienda, leg. 7, fol. 148; Carlos Morales, *El consejo de hacienda*, 33; Carlos Morales, "Gutiérrez de Madrid, Alonso," 3:199–204, 202.

[69] For the argument of the *participación española*, see José Antonio Escudero, *Los secretarios de estado y del despacho, 1474–1724*, Estudios de historia de la Administración, 3 vols. (Madrid: Instituto de Estudios Administrativos, 1969), 1:51–68.

consejo de estado.[70] Certainly there is some truth to the story of personal or factional struggles between Francisco de los Cobos and Gattinara, especially during the reform years of 1522 and 1528, but it must be stressed that the cities' insistence that natives supervise all of the judicial, administrative, and financial offices of the crown underlay these tensions.[71]

The 'conspiracy' theory held by Spaniards, that the Burgundians controlled Spanish revenues, was only one side of the story. The other side was that Spaniards had always played a critical role in the collection of revenues. When Charles first arrived in Spain in 1517, royal revenues were already supervised by the *consejo de cámara*, but after the revolt Charles reformed the executive, establishing the Council of State. Within this mechanism there was a finance committee under Francisco Vargas who had a range of duties: to pay military expenses, to balance expenditures and incomes, to record accounts, to handle contracts with lenders, and to negotiate with bankers and tax-farmers for the collection of incomes from the military orders.[72] Designated treasurer of finance and head of the accounting office, Vargas settled quarterly royal expenses amounting to 50,000 ducats every quarter, which he paid at the fairs of Villalón, Medina del Campo, and Medina de Rioseco.[73] Vargas authorized expenditures for royal guards, for armies and artillery in Granada and North Africa, for embassies and couriers, galleys, and fortifications. A long-time jurist of the Council of Castile, Vargas began his career as an accountant after the death of Isabel (1504); later in 1507, Fernando promoted him to the position of treasurer, in which capacity he provided legal services.[74] During the civil wars of 1520–1522, Vargas was on Charles' Council of War, the subcommittee of the Council of State.[75] By the time Charles arrived in Spain in

[70] For Hannart's decline, see Escudero, *Los secretarios de estado*, 1:60–66, 64. For his diplomatic mission of 1524 to the Diet of Nuremberg, see Brandi, *The Emperor Charles V*, 187–188.

[71] On the rivalry between the Grand Chancellor and Cobos, see Keniston, *Francisco de los Cobos* (1980), 103.

[72] AGS, Estado, leg. 11, fols. 4–6, Valladolid, 1523, "ordenanza del consejo de hacienda."

[73] AGS, Estado, leg. 7, fol. 7, 1519, "provisión de dinero de la casa real." This folio contains the imperative that incomes from the military orders were to cover the salaries to the knights, councilors, and governors of the orders.

[74] On his legal training and early years of royal service, see Carlos Morales, *Carlos V y el crédito de Castilla*, 15–20.

[75] AGS, Patronato Real, leg. 1 fol. 105.

1522, Vargas was in charge of the sale of government bonds and the collection of the crusade indulgences and the clerical subsidy, which Charles expected the pope was about to grant. Vargas was also the logical choice to keep an eye on shipments of American bullion, since he had been Fernando's treasurer and procurement contractor for North African fortifications. After Fernando's death in 1516 Vargas continued to outfit galleys and fortify African ports using funds that he obtained from America.[76] Vargas obtained positions for relatives and clients.[77] Upon his death in 1524 Vargas had been earning numerous salaries and was one of the few officials Charles reimbursed promptly.[78] During the civil wars of 1520–1521, Vargas worked with another Spaniard to sustain Charles' credit. From 1520 to 1522 Sancho de Paz administered the contracts of the *arrendamiento* of the military orders and, as finance bookkeeper, came to exercise a stronger role by recording the range of royal revenues.[79] When he returned to Spain in 1522, Charles had Secretary Cobos, the count of Nassau, and Juan Manuel supervise the bookkeepers, Paz and Vargas, and all of the documents of the finance council.[80] Three years later, in 1525, Charles removed the count of Nassau from the Council of Finance, because, being a Flemish lord and as a member of Charles' *consejo secreto* and governor of Holland and Zeeland, he had generated much suspicion.[81] In 1524 Charles had arranged a marriage between the count and the heiress of the marquis of Cenete, Mencía de Mendoza, and a year later Charles sent him on a mission to negotiate with the king of Portugal a marriage between Charles and the princess of Portugal, Isabel, who married Charles in the summer of 1526.[82]

After the civil wars, Charles decided to prevent members of his inner circle of Burgundians from playing a role in Castilian finances, and

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[76] Giménez Fernández, *Bartolomé de las Casas*, 2:213.

[77] Vargas' son, Gutierre Vargas de Carvajal, was promoted to the bishopric of Plasencia on May 25, 1524 (the countess of Medina de Rioseco to Charles, Medina de Rioseco, 29 Feb. 1524, AGS, Estado, leg. 10, fol. 54).

[78] For Vargas' *quitaciones*, see Carlos Morales, *Carlos V y el crédito de Castilla*, 34–35.

[79] On the delegation of financial tasks during the regency of Adrian, see AGS, Estado, leg. 9, fol. 89, "memorial para saber lo de la hacienda de SM."

[80] AGS, Estado, leg. 11, fols. 4–6, 1523, Valladolid, "ordenanza del consejo de hacienda."

[81] Martín de Salinas to Ferdinand of Austria, Valladolid, 4 Oct. 1524, *El emperador Carlos V y su corte*, 223–226.

[82] Fernández Conti, "Nassau, Enrique (III conde de Nassau, marqués de Cenete y señor de Breda)," 3:292–294.

he did not allow one man to control royal revenues. The revolution had been a painful instruction of just rule and the revolutionaries had also taught him that the king had role models to follow. Charles had as an example the policies practiced by his maternal grandparents. The Catholic Monarchs were always on the lookout for any signs of corruption, and they relied on audits and a system of supervision.[83] At the start of his reign, Charles did not apply these procedures, but in the aftermath of the *comunero* rebellion he changed his course, placing himself at the head of a system of checks and balances.

Charles began to reshuffle financiers, accountants, and tax farmers to prevent any one of them (especially foreigners) from mastering royal revenues. In 1524 Charles replaced Vargas, who had died, with Alonso Gutiérrez de Madrid, *receptor general* (the treasury official who registered and collected legal fees, penalties, and fines owed to the *cámara de Castilla*), who became one of the four 'evangelists of finance'.[84] The other 'evangelists' were Juan de Bozmediano (finance secretary), Juan Rodríguez de Fonseca (the first president of the Council of the Indies), and Antonio de Rojas (the bishop of Palencia).[85] Rodríguez de Fonseca died in 1524 and Rojas was removed from the presidency of the Council of Castile; consequently, Bozmediano and Gutiérrez de Madrid headed the Council of Finance. Their alliance became stronger with the support of the admiral of Castile, an association that was long in the making.[86] Since the civil wars, the admiral had been writing vituperative letters denouncing Vargas for withholding royal revenues that had to be used for the armies.[87] The admiral insisted that in military mobilizations to defend Spain, the military leaders themselves, not financiers, had to be in command of both the armies and the money. But when it came time for Gutiérrez de Madrid to receive proceeds and to enter into exchange contracts, the admiral changed his position. Charles granted

[83] Santa Cruz, *Crónica de los Reyes Católicos*, 1:26, 216–226.

[84] The archbishop of Toledo notified Charles that Vargas died (Burgos, 23 July 1524, AGS, Estado, leg. 12, fol. 205).

[85] On the evangelists of finance, see AGS, Estado, leg. 12, fol. 3. For details, see Carlos Morales, *El consejo de hacienda de Castilla*, 31–32. For Fonseca, see Pizarro Llorente, "Rodríguez de Fonseca, Juan," 3:360–367.

[86] Carlos Morales, *Carlos V y el crédito de Castilla*, 38–39.

[87] "Desde el punto que entre en Castilla hasta hoy/yo no he visto un real que haya dado Vargas para ninguna cosa de las pasadas ni presentes…visto que el reyno se perdía y que a la gente de armas se deben once meses y a la infantería mas de seis y que comen los pueblos y los saquean…" (the admiral of Castile to Charles, Vitoria, 10 April 1522, AGS, Estado, leg. 10, fol. 18).

Gutiérrez de Madrid the administration of royal revenues based on the masterships and shipments of American metals registered at the *casa de contratación* in Seville. He also provided Charles the annual sum of 200,000 ducats derived from American bullion and incomes from the military orders.[88] Madrid had strong allies among the Burgundians and the Centurione family, and he had taken advantage of his connections, often winning bids to farm the taxes of the military orders. From 1518 to 1524 he had often offered better terms than Vargas, as Madrid was more resourceful in securing more money than the tax farmers.[89]

Cobos and his network of secretaries soon filled the gap left by the Burgundians and formed a Hispanic monopoly of financial and military intelligence. Probably the most important personnel mechanism for ranking policies and mobilizing agendas, the Spanish team of secretaries channeled correspondence according to offices based on territorial divisions and procurement: Castile, Aragon, Naples, Rome, and warfare.[90] For the *provincía de Guipúzcoa*, Bartolomé Ruiz de Castañeda handled military and financial correspondence.[91]

Cobos' clients included Sancho de Paz (secretary of the Council of Finance, head of the treasury of expenditures or *contaduría mayor de cuentas*, and accountant of the military masterships), Andrés Martínez de Ondarza, (secretary of the Council of War), and Pedro de Zuazola (finance secretary).[92] Responding to long-term pressure from the Cortes,

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[88] Giménez Fernández, *Bartolomé de las Casas*, 2:38; Carlos Morales, *Carlos V y el crédito de Castilla*, 33.

[89] Carlos Morales, *Carlos V y el crédito de Castilla*, 35–36.

[90] On the division of secretaries for Aragonese, Valencian, and Catalan affairs, see AGS, Estado, leg. 11, fol. 48, Charles? to Cobos. Salinas noted the reforms advanced by Charles: "Lo que sobre los secretarios SM ha determinado, según lo que aquí se dice por el vulgo y algunas personas me certifican, los que quedan son: para las cosas de Castilla, el secretario Cobos solo; para Aragon, Urries; para Nápoles, Pero García; para Roma, Soria; para la Guerra, Zuazola, y más Micer Juan Alemán y Hannart" (Salinas to Salamanca, Valladolid, 8 Feb. 1523, Rodríguez Villa, *El emperador Carlos V y su corte*, 95–106, 100). For Zuazola, see AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 38, fols. 988–991; Estado, leg. 16, fol. 464, Zuazola to the marquis of Cenete, Salzedilla, 25 May, "sobre los gastos de trigo y costales en que han de ir a Nápoles."

[91] AGS, Estado, leg. 12, fol. 11.

[92] On Sancho de Paz' activities, see the letter of Martín de Salinas, Madrid, 8 Feb. 1525, Rodríguez Villa, *Carlos V y su corte*, 263. For Andrés Martínez de Ondarza, see his letter to Cobos (AGS, Estado, leg. 26, fols. 167–168) and the Empress' letter to Charles (AGS, Guerra Marina, leg. 2, fol. 11, Madrid, 10 Sept. 1529, "merced para el contador Ondarza que sirvió en las casas de la católica reyna mi señora y de VM de un hábito de Santiago"). For Zuazola's profession as finance secretary, see AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 38, fols. 988–99.

the king gave tax farming privileges to Spaniards (and Hispanicized Genoese). Sancho de Paz, for example, handled the farming of the incomes (*arrendamiento*) of the military order of Alcántara.[93] Paz finalized the contract (*asiento*) regarding the taxes of the towns of the archbishop of Toledo and the subsidy (*servicio*) contract between Charles and the Cortes.[94] The royal accountant, Ondarza, served as the court's paymaster, and he rose to become, in the late 1520s, secretary of the Council of War, where he kept track of the costs and payments for the galleys under Andrea Doria of Genoa.[95] As a finance specialist, Zuazola negotiated *arrendamiento* terms with the Welsers and sold government bonds (*juros*) to the Fuggers, the family banking firm in Augsburg.[96] As secretary, Zuazola also ordered the payments for procuring armies and galleys for the imperial court as well as grain supplies for the kingdom of Naples.[97] So powerful and valuable was Zuazola that he could obtain significant positions in the treasury for his associates.[98]

Charles did not want to give the cities legitimate excuses to criticize government; hence he made sure not to delegate fiscal authority to foreigners. Gattinara, for example, could represent Charles at the sessions of Cortes and explain dynastic policies, but he could no longer handle the financial and political affairs of the crowns of Castile and Aragon. Gattinara was skeptical that his discharge would improve royal finances, which were "a complete mess and confusion," but the cities

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[93] For his contract of the *arrendamientos* of the masterships of the military orders, see AGS, Estado, leg. 15, fol. 56: "por que estan derogados todos los statutos y difiniciones de las órdenes y todas las leyes del reyno y hechas en cortes en especial la difinición que dice que no se pueda arrendar las rentas de los maestradgos por más tiempo de tres años iten la ley que no se pueda arrendar las rentas a estrangeros." For his role in the *arrendamientos* between 1523–1539, see Kellenbenz, *Los Fugger en España y Portugal*, 333–357.

[94] On Toledo, see AGS, Estado, leg. 16, fol. 1, and for the *servicio* contract, Estado, leg. 16, fols. 317–318, Madrid, 1528.

[95] AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 7 fols. 402–409, "Veedor del servicio de los oficiales de casa y corte con 30,000 maravedís de quitación al año." On the galleys of Doria, see Estado, leg. 27, fol. 128, President Tavera to Charles, Madrid, 5 Jan. 1533.

[96] Kellenbenz, *Los Fugger en España y Portugal*, 197, 338.

[97] For the imperial journey of 1529–1533, see AGS, Guerra Marina, leg. 2, fol. 26, Charles and Pedro Zuazola to the Empress, Barcelona, 7 June 1529; Estado, leg. 27, fol. 11, Charles to Pedro Zuazola, Barcelona, 26 June 1533. For Naples, see AGS, Estado, leg. 16, fol. 464, Zuazola to the count of Nassau/marquis of Cenete, Salzedilla, 25 May 1528?

[98] See the *consulta* of 1526, AGS, Estado, leg. 14, fols. 181–187, fol. 187: "…para el oficio de veedor de la casa de la moneda de Segovia…suplica por el el Secretario Zuazola para un oficial suyo natural y casado en aquella ciudad/parece que se le de."

were even more skeptical of Burgundians.[99] Moreover, Gattinara was the target of a purge to eliminate foreigners from Castilian offices in which many pluralists (those who held multiple royal offices) simultaneously lost their jobs.[100]

Throughout the spring of 1525, members of the Council of Finance and the Council of Castile found themselves spending long hours building a ladder of promotion, especially for men with financial expertise. In a series of gatherings among the finance council and the Council of Castile held in Madrid, Charles received many solicitations from candidates seeking vacancies that had opened up due to deaths, transfers, and layoffs.[101] Two of the candidates who sought the vacant accounting office of the Military Order of Santiago were Gutiérrez de Madrid and Sancho de Paz. Gutiérrez de Madrid had lost the contract to collect the income of the masterships of the military orders to the Fuggers. As compensation, Madrid sought the monopoly of the accounting office of the Order of Santiago.[102] President Tavera and Francisco de Mendoza, president of the Council of Finance, were unable to provide Madrid with the *merced* of the accounting office, but they kept him close, delegating to him the task of negotiating new loans with the Fuggers, secured by the sales tax of the masterships.[103] President Tavera also supported Sancho de Paz in their mutual effort to get the most out of the tax farmers of the military orders and of the archdiocese of Toledo.[104] For his services, Paz held the accounting office of the Military

[99] "Représentation de Mecurin de Gattinara à Charles-Quint: Notice pour servir à la vie de Mercurin de Gattinara," *Mémoires et documents publiés par la Société Savoisienne d'Histoire et d'Archéologie* 37, ed. Gaudenzio Claretta (Chambéry: Ménard, 1898), 325–226.

[100] Salinas to Salamanca, Valladolid, 8 Feb. 1523, *El emperador Carlos V y su corte*, 95–106, 100. Dr. Tello, Dr. Beltrán, Licentiate Quintanilla, and Vargas were some of those removed from their offices because Charles "quiere que nadie tenga dobladura."

[101] AGS, Estado, leg. 13, fol. 235, Madrid, 23 Feb. 1525, "relación de la consulta que tuvo SM"; Estado, leg. 13, fols. 236–237.

[102] On the Fuggers' outbidding, see Kellenbenz, *Los Fugger en España y Portugal*, 333–334. On Gutiérrez' financing of Charles' defensive costs of 1524–1525, see Carlos Morales, *Carlos V y el crédito de Castilla*, 68–69, 76, and 79.

[103] On the dismemberment of the masterships, see AGS, Estado, leg. 21, fol. 345, Charles to President Tavera, 8 July 1530. On the contracts between the Fuggers and Gutiérrez, see AGS, Estado, leg. 20, fol. 81, President Tavera to Charles, Madrid, 25 Feb. 1530; Estado, leg. 20, fol. 37, Gonzalo Maldonado to Charles, Madrid, 25 Jan. 1530. On Tavera's support of Gutiérrez, see Carlos Morales, "El consejo de hacienda de Castilla en el reinado de Carlos V, 1523–1556," AHDE 59 (1989): 96–98. On Mendoza's support of Gutiérrez, see Carlos Morales, *El consejo de hacienda de Castilla*, 36–37.

[104] On the masterships and negotiations with the Fuggers, see AGS, Estado, leg. 16, fol. 479; Guerra Marina, leg. 2, fol. 59; Estado, leg. 20, fol. 136. On Paz' involvement

Order of Alcántara and his son received an allowance drawn on tolls in the mastership of Calatrava.[105] Tavera's recommendation of Gutiérrez and Paz gave him the leeway to administer justice, while having the assurance that his financial team got Charles the best deal possible. By contracting revenue-generating assets of the royal patrimony, Charles received huge installments, such as the advance of 300,000 ducats that Tavera's associates (the bishop of Zamora, Gutiérrez, and Paz) provided for financing the defense of Spanish possessions in the Mediterranean for two years, 1529–1530.[106] In the bigger picture, bankers and accountants serving the crown profited handsomely from Charles' difficulties in paying his imperial bills. As military budgets increased from year to year, and as the Valois-Habsburg wars escalated, investments in fortifications, artillery, and standing armies, the financial entrepreneurs of Spain accelerated empire building.[107]

The Council of Castile

During the years 1522–1528, Charles remained in Spain in order to keep his promise to rule judiciously; he addressed the grievances of the *comuneros* and implemented the petitions formulated by the *procuradores* to the Cortes. Both the *comuneros* and the *procuradores* wanted immediate implementation of their program for justice, which included the elimination of Burgundians from the Spanish executive, the vehicle by which Burgundians sold offices and confiscated royal revenues. The Cortes representatives also demanded the recruitment of law graduates for royal judgeships and appellate courts, and the appointment of

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with the tax farmer, Gonzalo de Burgos, regarding the *alcabalas* of the archdiocese of Toledo, see Charles' letter: Estado, leg. 16, fol. 1, Barcelona, 14 July 1529, "Asiento con Gonzalo de Burgos sobre rentas reales y encabezamiento de las alcabalas y quitar juro de pan y aceite de los señorios del arzobispo de Toledo." Charles received 22,000 ducats up front.

[105] On Paz's *merced*, see Carlos Morales, "Paz, Sancho," 3:325–326. On his son's 50,000 ducats of income "en los puertos de las Morena," see AGS, Estado, leg. 13, fol. 335.

[106] AGS, Patronato Real, leg. 26, fol. 30, Toledo, 4 Feb. 1529.

[107] For literature of the sixteenth-century military revolution, see Geoffrey Parker, *The Military Revolution: Military Innovation and the Rise of the West, 1500–1800*, Lees Knowles Lectures given at Trinity College, Cambridge, 1984 (New York: Cambridge University Press, 1988); Bert S. Hall, *Weapons and Warfare in Renaissance Europe: Gunpowder, Technology, and Tactics*, John Hopkins Studies in the History of Technology 22 (Baltimore: The Johns Hopkins University Press, 1997).

qualified and experienced councilors for the councils, especially the Council of Castile. Charles began to govern more comprehensively, not by expanding the royal bureaucracy, but by making what was already in place more efficient and accountable. Promoting a generation of Spanish jurists and ecclesiastics, Charles grounded the Habsburg monarchy within the legal, educational, and ecclesiastical culture of Castile. The most pressing of all ministerial preoccupations was the formation of a justice system that the citizens of royal municipalities could depend on for their lawsuits. In the aftermath of the civil wars, the restoration of the Castilian judiciary rested on its capacity to provide justice, and unless judges and councilors of justice were forced to abide by acceptable and established standards, Charles would suffer the consequences of unpaid bills and angry taxpayers.

In Brussels in early 1522, Charles prepared for his return to Spain by holding a meeting (*consulta*) with his advisors in which he granted privileges to Spanish vassals who fought on the royalist side.[108] He pondered necessary changes, considering replacements in the Council of Castile and vacancies in the chanceries of Granada and Valladolid. Regarding judicial appointments, Charles waited until he landed in Spain, because he wanted to know personally the men who would serve on the Council of Castile and then appoint candidates to the royal appellate courts who were acceptable to the jurists of the Council of Castile.[109]

Upon his return to Spain in 1522, Charles remembered the guidelines laid down by the Cortes in 1517 and 1520. He knew that he had to reform the Council of Castile, but he decided that he had to extend temporarily the terms of senior members of the justice system.[110] Charles did not replace President Antonio de Rojas of the Council of Castile and relied on the existing members of the Council and its president to condemn the *comunero* rebels. During the revolution, the Council of Castile had been the most hated Castilian institution, and Charles used this despised institution to its fullest extent. The Council of Castile under President Rojas spent nearly half a year, between August and December of 1522, in Palencia, sentencing *comuneros* to execution.[111]

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[108] AGS, Estado, leg. 10, fols. 246–269, Brussels, 7 Feb. 1522.

[109] For Charles' *consulta*, see AGS, Estado, leg. 10, fol. 266.

[110] AGS, Estado, leg. 10, fol. 261, 3 Sept. 1522.

[111] Pérez, *La revolución de las comunidades*, 587–590. President Rojas was also the bishop of Palencia, in which capacity he pardoned the *comuneros* who were citizens of

The cities' frustration with the Council of Castile forced Charles to take an inventory of the Council sometime in 1522. He ordered a senior member of the Council, Lorenzo Galíndez de Carvajal, to list the qualifications and merits of its members. Galíndez named only sixteen of the twenty-seven councilors (he did not include himself).[112] Charles knew about President Roja's unpopularity but did not remove him because "[he] was from a very good family of knights, of the Rojas and Manrique [clan]." Galíndez' assessment of the councilors reflected his own personal views of these individuals as well as his familiarity with jurists whom he preferred over senior members. This inventory of members of the Council also included two candidates who were not councilors but who merited appointment: Dr. Martín Vázquez and Licentiate Pedro de Medina (in 1522 Charles appointed both of them to the Council of Castile).[113] The members of the Council of Castile included nine doctors of law: Galíndez de Carvajal, Pedro de Oropesa, Juan López de Palacios Rubios, Juan Cabrero, Diego Beltrán, Hernando de Guevara, Nicolás Tello, Martín Vázquez, and Luis de Corral. The Council also had twelve licentiates.[114] In the winter of 1522, the Council of Castile consisted of at least twenty-seven councilors: ten doctors of law, twelve licentiates (which included two attorneys, Pedro Ruiz and Juan de Prado), two courtiers (García de Padilla and Hernando de Vega), three bishops (President Rojas, Pedro Ruiz de la Mota, and Juan Rodríguez de Fonseca), and a *converso* (Alonso de Castilla).[115]

Palencia. For details, see Alonso Fernández de Madrid, *Silva Palentina*, ed. Jesús San Martín Payo, Colección Pallantia, 1 (Palencia: Ediciones de la Excma. Diputación Provincial de Palencia, 1976; 1555?), 429.

[112] "Informe que Lorenzo Galíndez Carvajal dió al emperador sobre los que componian el consejo real de SM," CODOIN, 1:122–127.

[113] Pedro Gan Giménez, *El consejo real de Carlos V* (Granada: Universidad de Granada, 1988), 95. On Licentiate Medina, see Danvila, *Historia de las comunidades*, 40:144–149.

[114] Agustín de Zapata, Toribio Gómez de Santiago, Luis González de Polanco, Francisco Vargas, Fortún Ibáñez de Aguirre, Rodrigo de Coalla, Cristóbal Velázquez de Acuña, Pedro Ruiz, Pedro de Medina, Johan de Quintanilla, and Juan de Prado. I have not been able to ascertain Francisco's first name.

[115] "Informe que Lorenzo Galíndez Carvajal dió al emperador sobre los que componian el consejo real de SM," CODOIN, 1:122–127. On García de Padilla, see Ezquerra Revilla, "Padilla, García de," 3:312–315. On Licentiate Francisco and Dr. de Corral, see Danvila, *Historia de las comunidades*, 40:144–149. On Dr. Agustín, see Gan Giménez, *El consejo real de Carlos V*, 220. On Fonseca, the bishop of Palencia (1514–1524), see Pizarro Llorente, "Rodríguez de Fonseca, Juan," 3:360–367; Gan Giménez, *El consejo real de Carlos V*, 237. For Fonseca's role in American affairs, see

Ferdinand of Austria's ambassador in Spain, Salinas, noted in 1522 that everybody expected Charles to reform his councils and household, but Charles did not make changes in the Council of Castile until early February 1523.[116] The occurrence of natural deaths was perhaps the principal mover of the policies designed by the Cortes to restore the Castilian judiciary. In 1523–1524, four members of the Council of Castile died.[117] Charles appointed Alonso de Castilla bishop of Calahorra, and told him to reside in his church and not to return to court. Dr. Nicolás Tello found himself on the Council of the Military Orders and not on the Council of Castile. Licentiate Johan de Quintanilla "was commanded to go to the accounting office of expenditures" (*contaduría mayor de cuentas*), and Dr. Diego Beltrán was removed.[118] According to Salinas, "His Majesty did not want anyone to have multiple incomes."[119] In 1523 Charles made only two replacements, Pedro de Medina (1523–1532) and Dr. Martín Vázquez (1523–1534), both graduates of the College of Santa Cruz at Valladolid.[120]

After campaigning in Navarre, Charles returned to Castile in the early spring of 1524. Now many wheels had to be turned laboriously in order to find qualified and well-regarded judges. Charles shifted personnel, evaluating the caliber of judges in active service and those who, ready to begin their careers, came with supportive references. At this time Charles relied on a list containing Juan Tavera's preferences for the appellate courts. Tavera's candidates included Licentiate Alonso Pérez del Castillo from the College of Santa Cruz at the University of Valladolid. Charles ordered del Castillo to audit the *corregimiento* of

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Schäfer, *El consejo de las Indias*, 1:424 (index). On Vega, see Ezquerra Revilla, "Vega, Hernando de," 3:452–455.

[116] Salinas to Salamanca, Valladolid, 7 Sept. 1522, Antonio Rodríguez Villa, *El emperador Carlos V y su corte*, 66–71, 71.

[117] Gan Giménez, *El consejo real de Carlos V*, 91–95. Dr. Agustín died in March 1523; Nicolás Tello in 1523; Palacios Rubios in March 1524; Vargas in July 1524.

[118] Salinas to Salamanca, Valladolid, 8 Feb. 1523, Rodríguez Villa, *El emperador Carlos V y su corte*, 95–106, 100–101. For Quintanilla, see AGS, Estado, leg. 13, fol. 193, "personas nombradas por el consejo y las personas que al consejo paresce que podrán ser nombradas para el abadía de Medina del Campo."

[119] "que nadie tenga dobladura," Salinas to Salamanca, Valladolid, 8 Feb. 1523, Rodríguez Villa, *El emperador Carlos V y su corte*, 95–106, 100.

[120] "Informe que Lorenzo Galíndez Carvajal dió al emperador sobre los que componian el consejo real de SM," CODOIN, 1:126; Gan Giménez, *El consejo real de Carlos V*, 95.

Burgos, and he ended up becoming an inquisitor throughout numerous tribunals in Valencia, Andalusia, and Toledo.[121]

Prior to his appointment as president of the Council of Castile in 1524, Juan Tavera was already acting as Charles' chief judicial recruiter, even though Charles had at his disposal the president, doctors, and licentiates of the Council of Castile. As president of the Chancery of Valladolid, Tavera had come to know the legal network and law faculties as well as any member of the Council. The practice of sharing the duty of judicial appointment between Charles and Tavera rested upon Tavera's own career as an administrative executive. Tavera had university, ecclesiastical, and legal connections that he maintained continuously. How far these contacts privately generated recommendations for appointments can only be guessed, but based on the lists that Tavera compiled and gave to Charles, Tavera apparently had gained information on jurists and law graduates who had acquired a reputation. Tavera's own background as a judge and university administrator gave him the ability to solicit from his associates in the law faculties, courts, and ecclesiastical institutions the records of law graduates and clerics with advanced degrees.

Tavera began his religious and political vocation as a student and cleric. Sometime during his period of study in Salamanca Tavera entered the Jeronomite Order.[122] He matriculated in 1500 from the faculty of canon law at the University of Salamanca and became vicar general for the diocese of Salamanca. Apparently a man of administrative talents, Tavera became the rector of the University of Salamanca in 1504 and obtained a prebend in the church of Zamora. Canon, chaplain, and vicar general of the archdiocese of Seville, Tavera became a judge on the Council of the Inquisition.[123]

In 1514, King Fernando handed Tavera his first episcopal assignment in Ciudad Rodrigo, an isolated diocese bordering Portugal to the west and surrounded by mountains to the east. In 1515, Tavera audited the

[121] For del Castillo, see María de los Angeles Sobaler Seco, *Catálogo de colegiales del colegio mayor de Santa Cruz de Valladolid (1484–1786)*, Historia y Sociedad, 86 (Valladolid: Universidad de Valladolid, 2000), 79. For Pérez del Castillo's audit of Burgos, see AGS, Estado, leg. 12, fol. 225.

[122] Salazar de Mendoza, *Crónica Juan Tavera*, 43.

[123] Diego Ortiz de Zúñiga, *Anales eclesiásticos y seculares de la muy noble y muy leal ciudad de Sevilla*, 5 vols. (Facsimile, Seville: Guadalquivir Ediciones, 1988; 1796), 3:282.

president and judges of the Chancery of Valladolid.[124] He then met with Queen Juana and they compiled a list of ordinances.[125] In these ordinances, Tavera reprimanded the judges and president of Valladolid because they were privately employed as advocates and had taken up arbitration. Tavera's audit ultimately resulted in the appointment of a new president, the bishop of Málaga, Diego Ramírez de Villaescusa, a graduate of the College of San Bartolomé (*colegio mayor de San Bartolomé*), one of the four colleges of the University of Salamanca.[126] Tavera elevated the status of the *colegios mayores* by recruiting their graduates for positions in the executive and judiciary.[127] At this point, Tavera had gained three competencies: as an educational administrator, an ecclesiastical judge, and an auditor of the judiciary. In his support of candidates to vacancies in the judiciary, Tavera practiced 'sponsorship' and not patronage—a sponsorship developed over the course of a long career intimately connected to the institutions that produced and appointed law graduates.[128] If Tavera had practiced patronage, he would have had to recommend favorites, clients, and candidates willing to purchase office; instead, his candidates came from the law faculties with untarnished records and no history of poor audits. Moreover, Tavera's sponsorship of candidates did not make them immune to auditing procedures and dismissals. Once appointed to a judicial post, a candidate recommended by Tavera had no obligation to serve his

[124] For the royal order, see AGS, Registro General del Sello, leg. 2713, s.f., Madrid, 3 Dec. 1513.

[125] For the twenty-nine ordinances issued by Queen Juana, see ACHV, 1765, fols. 211r–214r, "Visita del Obispo de Ciudad Rodrigo, Don Juan Tavera"; Salazar y Mendoza, *Crónica Juan Tavera*, 63–65.

[126] The other three colleges were Oviedo, Cuenca, and del Arzobispo. The University of Valladolid also had a *colegio mayor*, Santa Cruz, as well as the University of Alcalá, San Idelfonso. For a brief overview, see DHEE, 1:455–460. San Bartolomé was founded in 1401 by Diego de Anaya; Santa Cruz in 1484 by Pedro González de Mendoza; Cuenca in 1500 by Diego Ramírez de Villaescusa; San Idelfonso in 1508 by Francisco Jiménez de Cisneros; Oviedo in 1517 by Diego de Muros; and del Arzobispo in 1521 by Alonso Fonseca III.

[127] For analysis of the relationship between *colegios mayores* and government officials, see Richard L. Kagan, *Students and Society in Early Modern Spain* (Baltimore: The Johns Hopkins University Press, 1974), 88–105; Ana María Carabias Torres, *Colegios mayores: centros de poder, los colegios mayores de Salamanca durante el siglo XVI*, 3 vols. (Salamanca: Universidad de Salamanca, 1986), vol. 2.

[128] On the distinction between sponsorship and patronage, see G.E. Aylmer, *The State's Servants: The Civil Service of the English Republic, 1649–1660* (London: Routledge & Kegan, 1973), 68.

sponsor; rather he only had the task of applying the knowledge of the law he had been trained to understand.

Charles had committed himself to a course of action from which there could be no turning back. He had already taken some steps toward judicial reforms, and had received help from Tavera regarding appointments, which would take time and effort.[129] In the spring of 1524, Charles stayed very busy considering appointments, needing to draw reliable councilors and judges for his councils and courts. In order to achieve this, Charles made a very difficult decision: in May 1524 he removed President Antonio de Rojas from the Council of Castile, and demoted him from the archbishopric of Granada to bishop of Palencia. Thus Charles sent Rojas to Palencia as the primate of the Indies.[130] "After the royal court left Burgos," wrote Martín Salinas, "Charles commanded the primate to leave due to the fact that he was poorly loved by the entire kingdom [and] to appease everyone in the kingdom."[131]

Meanwhile, Charles ordered the convocation of the Cortes, provisionally to assemble in the beginning of August 1524. Charles correctly assumed that he would have more leverage if he could make an announcement in this session that the city representatives wanted to hear. By the end of September, the cities of Spain had heard that they finally had a new president of the Council of Castile.[132] "The most recent news about the court," wrote Ambassador Salinas, "is that, in order to restore order and justice—and also because of the wide discontent afflicting the kingdom—[Charles] has given the presidency over the Council of Castile to the president of Valladolid, the archbishop of Santiago."[133] As president of the Council of Castile, Juan Tavera now

[129] From 1524 to 1529 Tavera continually compiled lists of candidates, many of which contain 'command' words. See, for example, AGS, Estado, leg. 15, fol. 18, Tavera for Charles, Valladolid, 1527.

[130] Fernández de Madrid, *Silva Palentina*, 426–428. Apparently, Charles took the advice of the *procuradores* who suggested that he should create the title Fernando of Aragon wanted to establish, the primate of the Indies.

[131] Salinas to Ferdinand of Austria, Valladolid, 15 Aug. 1524, Rodríguez Villa, *El emperador Carlos V*, 203–206, 204.

[132] See, for example, the city council of Cuenca's letter to Charles, dated 30 Sept. 1524, AGS, Estado, leg. 12, fol. 239.

[133] Salinas to Ferdinand of Austria, Valladolid, 4 Oct. 1524, Rodríguez Villa, *El emperador Carlos V*, 223–226, 226.

held the most important position available to a professional jurist.[134] During the course of his presidency—a span of fifteen years—Tavera regarded it as his duty to uphold the king's prerogative of providing justice, which meant appointing honest and competent judges. According to Charles' chronicler, Alonso de Santa Cruz, Tavera (as well as the prelates and *ministros de la justicia* of Charles administration) nagged Charles "to give the *merced*, not to the one who solicited it, but to the one who merited it."[135] Charles did more than merely elevate Tavera to the highest rung of the justice system's hierarchy; he made Tavera his main recruiter, because Tavera's sources of information were well-placed and reliable.

At the age of twenty-four, Charles began to demonstrate leadership skills reminiscent of those of Fernando of Aragon and Isabel of Castile. Already in the 1520s, the people of Spain—prelates, nobles, councilors, and the *procuradores* to the Cortes—compared their generation to the great one of the *reyes católicos* who had established policies of *merced*, justice, and conquest that Charles should practice.[136] As the law-giver of Castile, Charles took a close personal interest in the selection of judges and councilors. When councilors of the Council of Castile died, Charles moved carefully; he used the councilors of the Council of Castile to find qualified candidates. Still the group around Tavera came to dominate the chanceries and *audiencias* by the end of

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[134] Upon his nomination to the presidency of the Council of Castile, Tavera earned an annual salary of 650,000 maravedís (AGS, Escribanía Mayor de Rentas, Quitaciones de corte, leg. 29, fols. 1025–1026).

[135] Santa Cruz, *Crónica del emperador*, 2:38.

[136] For a reference of the *merced* policy of the *reyes católicos*, see AGS, Estado, leg. 6, fol. 94, the archbishop of Granada to Charles; Estado, leg. 12, fol. 278, the admiral of Castile to Charles, Medina de Rioseco, 1524. For the distinction between *merced* and justice, see Estado, leg. 20, fol. 155, "no es merced sino justicia." For their policy of conquest, which Charles must emulate, see Estado, leg. 9, fol. 1, the Council of Castile (the Archbishop of Granada, Alonso Castilla, Dr. Cabrero, Dr. Beltran, Dr. Guevarra) to Charles, Burgos, 13 April 1521; Patronato Real, leg. 70, fol. 9 (45–50) Cobos to the *procuradores* to the Cortes, Valladolid, 14 July 1523; Estado, leg. 13, fol. 131, the count of Benavente to the Empress, Valladolid, 23 Dec. 1529. For comparison to the Catholic Monarchs, regarding their marriage policy, see Patronato Real, leg. 70, fol. 9, 71–92, the *procuradores* to Charles, Valladolid, 8 Aug. 1524. For legal policy, see Patronato Real, leg. 70, fol. 56, 1523, "lo que se ha de consultar con SM de los capítulos generales y particulares de las ciudades." For comparison to the Catholic Monarchs regarding their policy of charity, see Estado, leg. 20, fol. 142, Tavera and the bishop of Zamora to Charles, Madrid, 12 Aug. 1530? "…no bastan las grandes necesidades de VM que todos sabemos para impedir la merced y limosna que los reyes católicos y VM siempre han acostumbrado ha hazer en este caso a las iglesias, monasterios, y hospitales destos sus reynos."

the decade, not because Tavera placed his friends in law courts, but because his selections were the survivors of rigorous policies of rotation and audits. However close to Charles he was through the years, Charles prevented favoritism and prohibited patronage. Mindful of Castile's revolt against his Burgundian favorites, Charles did not repeat the mistake of having a *privado* or a non-native run government, nor did he handle (or sell) appointments. Tavera, who was central to the domestic reform program, shared the duty of recruiting honest judges with Luis González de Polanco (1505–1542), Fortún Ibáñez de Aguirre (1506–1542), Pedro de Medina (1523–1532), and Lorenzo Galíndez de Carvajal (1502–1527).[137] These were the members of the Council of Castile who for over a decade provided Charles with short lists of candidates. In 1524 the Council of Castile also included three licentiates, four doctors of law, and two knights, but they did not make decisive selections, or at least there is no surviving evidence suggesting that they composed personnel lists (*nóminas*) of law graduates or audited judges of the lower appellate courts.[138] Charles created a durable regime by separating the patronage power for his courtly needs from his duty of appointments to the judiciary and executive. Moreover, offices of the administration were not bought and sold; rather they were salaried and based on a wide range of competencies.

As previously noted, nepotism and string-pulling were the two norms of Charles' early rule in Spain (1517–1521) under Burgundian control. Charles also inherited an immense staff of Aragonese chaplains, secretaries, accountants, and domestic caretakers that Fernando of Aragon placed in Castilian domestic offices. Beginning in 1523 Charles used Aragonese funds in order to provide benefits and salaries and relied on the Burgundian court model of domestic departments in order to accommodate his Aragonese staff.[139] He ordered his accounting staff to

[137] For Charles' division of candidates for judicial appointments on the basis of leaders of the Council of Castile, see AGS, Estado, leg. 15, fols. 13, 28, 32, and 35.

[138] They included licentiates: Toribio Gómez de Santiago (1503–1534), Cristóbal Vázquez de Acuña (1519–1537), and Rodrigo de Coalla (1514–1528); doctors: Juan Cabrero (1510–1528), Martín Vázquez (1523–1534) Hernando de Guevara (1517–1546), and Pedro de Oropesa (1491–1529); knight (and former president) of the military order of Santiago, Hernando de Vega (1509–1526); and knight of the military order of Calatrava García de Padilla (1516–1542). For dates I used the list by Carlos Morales, "Relación de los consejeros de Carlos V," 3:8.

[139] Charles Moeller briefly mentions Charles' court of 1517 as a Burgundian institution consisting of over 500 servants and officers (272). In his description of Eleanor of Austria's court, Moeller lists the numerous departments of her *maison*, consisting

take inventories of the household and its range of salaried officials in order to determine expenses and employment figures.[140] Charles then appointed Spanish knights (*caballeros*), sons of the grandees, and others "with merits and who would receive salaries customary in Castile."[141]

The Council of Castile was a different matter altogether. Charles inherited a Council as inflated as his court, with no less than twenty-seven councilors. If generosity marked Charles' teenage years, frugality characterized his adult life, for he became tighter and tighter in granting offices. Charles did not replace everyone who died. In 1523 Charles appointed Martín Vázquez and Pedro de Medina, although four members had died (Luis de Zapata, Alonso de Castilla, Diego Beltrán, and Nicolás Tello). Then in 1524 Francisco de Vargas and López de Palacios Rubios died, but Charles did not replace them.[142] In late 1524 Tavera presided over a Council consisting of at least thirteen councilors, a significant decline from the twenty-eight councilors who formed the Council in 1522. In 1526 Hernando de Vega died.[143] By 1526 Charles had successfully pruned the Council of Castile, as it contained twelve councilors (for table of councilors of the Council of Castile in 1526, see Tables 2.1, 2.2, and 2.3).[144]

Charles did not fill any of the vacancies until 1528–1529, when he decided to appoint new councilors to take the places of four who died: Galíndez (1527), Juan Cabrero (1528), Rodrigo Coalla (1528), and

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of the *chapelle, chambre des dames, hôtel, écurie*, and *garde* (*Éléonore d'Autriche et de Bourgogne, reine de France: un épisode de l'histoire des cours au XVI^e siècle* [Paris: Librairie Thorin et fils, 1895], 15–18, 182–186).

[140] AGS, Estado, leg. 11, fol. 121, Charles to *contadores mayores*, Burgos, 11 Sept. 1523.

[141] AGS, Patronato Real, leg. 70, fol. 9, 62v–63, Valladolid, 1523.

[142] Carlos Morales, "Relación de los consejeros de Carlos V," 3:8; Gan Giménez, *El consejo real de Carlos V*, 269. For López de Palacios Rubios, see Gan Giménez, *El consejo real de Carlos V*, 253; Vicente Beltrán de Heredia, *Cartulario de la universidad de Salamanca: la universidad en el siglo de oro*, Acta Salmanticensia, 20, 3 vols. (Salamanca: Universidad de Salamanca, 1971), 3:270–271.

[143] For Vega, see Gan Giménez, *El consejo real de Carlos V*, 271.

[144] The councilors included Galíndez, Santiago, Polanco, Cabrero, Guevara, Medina, Aguirre, Oropesa, Acuña, Coalla, García de Padilla, and Vázquez. For Galíndez, García de Padilla, Santiago, Polanco, Cabrero, Guevara, and Medina, I relied on the signatures in *consultas* of the Council of Castile (AGS, Estado, leg. 14, fol. 67, Granada, 26 Nov. 1526; Estado, leg. 14, fol. 134, Toledo, 12 Feb. 1526). For Aguirre, Oropesa, Acuña, Cabrero, Coalla, and Vázquez, see Gan Giménez, *El consejo real de Carlos V*, 276–285; Carlos Morales, "Relación de los consejeros de Carlos V," 3:8.

Pedro de Oropesa (1529).[145] In 1528, while preparing for his imperial campaign, Charles appointed four jurists: Dr. García de Ercilla who was a graduate of the Spanish College of San Clemente in Bologna; Pedro Manuel, who died in 1528, the same year Charles had appointed him; Gaspar de Montoya, who graduated from the College of San Bartolomé; and Dr. Luis de Corral of the Chancery of Valladolid.[146] In 1529 Charles added Hernándo Girón, a law graduate of the College of Santa Cruz, to the Council of Castile.[147] These changes stabilized the council at twelve councilors.

During 1527 and 1528, the years of preparing for the imperial journey, Charles promoted candidates short-listed by Tavera, Galíndez, Aguirre, González de Polanco, and Medina. Often these powerful councilors did not appear on lists by name, but they did advise the king to select the highly-educated and the experienced. Tavera, Galíndez, Aguirre, González de Polanco, and Medina were essentially united in their concern with the academic origin and record of candidates. A short list by an anonymous advisor, typical of this time and place, included university-trained candidates (*letrados* and licentiates) for *corregimientos*, appellate courts, and the Council of Castile; for presidents of the chanceries, the anonymous minister only included bishops for selection.[148] Many of the recommendations, especially by the Council of Castile, were on the qualitative model proposed by the *procuradores* to the Cortes and made based on prior service. These candidates had already been under the microscope of audits and hearsay.

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[145] For Galíndez, see Beltrán de Heredia, *Cartulario de la universidad de Salamanca*, 3:283–293, 284. For Cabrero, see Augustin Redondo, *Antonio de Guevara*, 226–227, note 45; AGS, Nóminas de corte, leg. 2, fol. 212. For Coalla, see Ezquerra Revilla, "Coalla, Rodrigo de," 3:86–87. For Oropesa, see Gan Giménez, *El consejo real de Carlos V*, 251.

[146] On Lic. Manuel, Dr. García de Arcilla, and Dr. Corral, see AGS, Estado, leg. 16, fol. 450, Madrid, 1528, "nombramiento de personas para el consejo." On Montoya, see Estado, leg. 15, fol. 25. For Tavera's support, see Estado, leg. 15, fol. 18, Valladolid, 1527. For Montoya's education, see Enrique Esperabé Arteaga, *Historia pragmática e interna de la universidad de Salamanca*, 2 vols. (Salamanca: Imprenta y Librería de Francisco Núñez Izquierdo, 1914–1917), 2:291, 294. For Corral, see Ezquerra Revilla, "Corral, Luis del," 3:104–107. For Tavera's support of Manuel, see Estado, leg. 13, fol. 32; Estado, leg. 15, fol. 12.

[147] For Girón, see Gan Giménez, *El consejo real de Carlos V*, 239; Ezquerra Revilla, "Girón, Hernando," 3:173–175. Girón married a Deza, Tavera's blood relative (Gan Giménez, *El consejo real de Carlos V*, 239).

[148] AGS, Estado, leg. 15, fol. 19, "oficios de la governación de la justicia."

In 1528 Tavera presided over the Council of Castile, which had three associates whom he had sponsored for royal employment: Pedro Manuel, Luis de Corral, and Hernando Girón (see Table 2.4).[149] In addition to Tavera, both Aguirre and González de Polanco had supported Pedro Manuel for royal office.[150] Tavera had long ago recommended Dr. Luis de Corral to serve on the Council of the Indies, and now Tavera helped him gain the higher post of councilor of the Council of Castile. Corral had numerous sponsors, including Aguirre.[151] Aguirre and Tavera gave Charles lists of qualified candidates for judicial openings, and these included Licentiate Girón, the third councilor sponsored by Tavera since 1524.[152] Tavera then placed Gaspar de Montoya on the Council of Castile after the death of Pedro Manuel.[153] Hence, at the beginning of his presidency in 1524, Tavera had supported jurists for openings in many of the judicial councils of the crown of Castile (Indies, military orders, and inquisition), and normally reserved openings in the Council of Castile for candidates serviceable to the judiciary as a whole and acceptable to more than one councilor of the Council of Castile.

Tavera's network extended to the other councils, especially those of the inquisition, Indies, and the military orders.[154] Prior to his term as president of the Council of the Inquisition (from 1539 until his death in 1545), Tavera had two partners on the Council of Castile, Fortún Íbañez de Aguirre and Luis González de Polanco, who were also members of the Council of the Inquisition. In 1528, Tavera had supported two out of five councilors of the Council of the Inquisition: Fernando de Valdés, the future president of the Council of Castile (1539–1546), and Jerónimo Suárez de Maldonado, the president of

[149] According to Gan Giménez, Manuel, who died in 1529, was replaced by Montoya. *El consejo real de Carlos V*, 246.

[150] For Tavera's and Polanco's support, see AGS, Estado, leg. 15, fol. 28, Palencia, 1527. For Aguirre's memorial, see Estado, leg. 15, fol. 32.

[151] For Tavera's support of Dr. Corral, see AGS, Estado, leg. 13, fol. 42. For Aguirre's support, see Estado, leg. 15, fol. 28, Palencia, 1527.

[152] For Aguirre's *memorial*, see AGS, Estado, 15, fol. 32. For Tavera's backing, see Estado, leg. 15, fol. 24, 1524.

[153] On Montoya's alliance with Tavera, see AGS, Estado, leg. 15, fol. 18, Valladolid, 1527. Montoya was also an associate of the count of Osorno, president of the Council of the Military Order of Santiago (1526–1546) and president of the Council of the Indies (1529–1542).

[154] For a list of the members of these councils, see Carlos Morales, "Relación de los consejeros de Carlos V," 3:10–11.

the Council of Finance from 1536 to 1545.[155] Likewise, Tavera drew support from four members of the Council of the Indies which in 1528 contained six councilors: Gonzalo Maldonado (1524–1530), Pedro Manuel (1527–1528), Gaspar de Montoya (1528–1529), and Rodrigo de la Corte (1528–1530).[156] Tavera continued to see his candidates appointed to the Council of the Indies, in particular Juan Suárez de Carvajal (1529–1542), Pedro Mercado de Peñalosa (1531–1535), and Francisco de Isunza (1531).[157] Regarding the councils of the military orders (which consisted of the Council of the Order of Santiago and the Council of the Orders of Calatrava and Alcántara), the president of the Council of the Order of Santiago, the count of Osorno (García Fernández Manrique), formed a strong partnership with Tavera.[158] In the 1520s, one out of seven councilors of the councils of the military orders was a Tavera associate, while the count of Osorno had one of his candidates advance to the Council of the Order of Santiago.[159]

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[155] Tavera also supported Pedro González Manso, who was a member of the Inquisition from 1508 to 1525. In 1525 Charles appointed González to the presidency of the Chancery of Valladolid, which he served until 1535. González was also the bishop of Badajoz (1525–1532) and the bishop of Osma (1532–1537). For Tavera's support, see AGS, Estado, leg. 15, fol. 18. For Tavera's endorsement of Valdés, see Estado, leg. 14, fol. 225; Estado, leg. 15, fol. 18; Estado, leg. 16, fol. 45. For Tavera's support of Suárez Maldonado, see Estado, leg. 15, fol. 13; Estado, leg. 20, fols. 15–18, fol. 17, Tavera to Charles, Madrid, 6 June 1530; Estado, leg. 24, fol. 187–188.

[156] For Tavera's alliance with Maldonado, see AGS, Estado, leg. 14, fol. 231; Estado, leg. 15, fol. 18; Estado, leg. 20, fols. 21–22, fol. 94–95, fols. 136, fol. 203. For Manuel, see Estado, leg. 13, fol. 32; Estado, leg. 15, fol. 12 (he was also a client of Fortún Íbañez de Aguirre; Estado, leg. 15, fol. 28). For Montoya, see Estado, leg. 15, fol. 18. For de la Corte, see Estado, leg. 16, fol. 450; Estado, leg. 20, fol. 136; Estado, leg. 21, fol. 6.

[157] For Tavera's endorsement of Suárez, see AGS, Estado, leg. 14, fol. 245; Estado, leg. 15, fol. 12 and fol. 22. Lorenzo Galíndez de Carvajal also supported him (Estado, leg. 15, fol. 13). For Mercado, see Estado, leg. 15, fol. 12, fol. 22, fol. 27, and fol. 28 (he was also a Polanco and Aguirre candidate; see Estado, leg. 15, fol. 35 and fol. 28). For Isunza, see Estado, leg. 20, fol. 248.

[158] For their alliance, see AGS, Estado, leg. 15, fol. 28; Estado, leg. 20, fols. 15–18, fol. 17, fol. 136, fol. 194; Estado, leg. 22, fols. 103–104, fols. 109–111; Estado, leg. 24, fol. 179, fols. 225–232, fol. 227, fols. 233–235; Estado, leg. 25, fols. 6–7; Estado, leg. 26, fol. 19; Estado, leg. 27, fol. 128.

[159] For Tavera's support of Diego Flores, see AGS, Estado, leg. 15, fol. 13; Estado, leg. 14, fol. 231. For Osorno's support of Diego Perero de Neyra, see Estado, leg. 15, fol. 28; Estado, leg. 14, fol. 225. In 1534, Charles appointed Bernardino de Anaya, a Tavera candidate, to the Council of the Military Orders of Calatrava and Alcántara. For Tavera's support of Anaya, see Estado, leg. 15, fol. 22 and fol. 28. For Anaya's cursus honorum, see Ezquerra Revilla, "Anaya, Bernardino de," 3:39–43. In 1528, Secretary Cobos placed Juan Sarmiento who remained in the Council of the Military Orders of Calatrava and Alcántara until 1552. For Cobos' endorsement, see Estado, leg. 14,

Forming a strong alliance among the members of the Spanish councils, Tavera had consolidated his power by 1528. His control over the Council of Castile was most significant as he had strengthened it with three out of the twelve jurists.[160] Upon leaving Spain in 1529, Charles made sure that the Council of Castile remained at a total of twelve councilors.[161] Once Charles had pruned the Council of Castile of the overgrowth that had begun during the reign of Fernando of Aragon, and had blossomed during the regencies of Cisneros (1516–1517) and Adrian (1520–1522), he did not allow it to continue as a patronage board for nobles and courtiers. Instead, Charles converted the council into an exclusive partnership of service for highly educated *letrados, licenciados*, and doctors with extensive experience in the law courts, and they in turn recruited law graduates and made appellate judges accountable and expendable.

The promise Charles made to the *procuradores* to the 1523 Cortes regarding the Council of Castile, the *consejo secreto*, and the judiciary dovetailed with his return to the range of *comunero* complaints leveled against him and his Burgundian and Flemish regime (1517–1521).[162] By successfully reforming the councils after the *comunero* revolt, Charles set in place a lasting mechanism of justice that the cities had expected and demanded all along. The cities were neither imposing upon Charles any kind of medieval theory of kingship nor requiring any innovation. "The offices of the public Council [of Castile] and the *consejo secreto*, which pertain to the crown of Castile, and the judges of the chanceries, the royal court, and all other judicial offices," the *comuneros* wrote to Charles, "are not to be given to foreigners, but rather to citizens

fol. 245. For cursus honorum, see Pizarro Llorente and Ezquerra Revilla, "Sarmiento y Ortega, Juan," 3:390–391.

[160] For President Tavera's associates in the Council of Castile, see Table 2.4.

[161] The new appointment in 1528 was Fortún García de Ercilla. Ercilla studied law at the Univiersity of Bologna, the College of St. Clement, and was a member of the Council of the Order of Santiago from 1525 to 1528. For cursus honorum, see Ezquerra Revilla, "García de Ercilla, Fortún," 3:155–58. The additional councilors were Santiago, Polanco, Aguirre, García de Padilla, Guevara, Acuña, Medina, Vázquez, Corral, Montoya, and Girón.

[162] For Charles' 1523 promise to the *procuradores* of reducing the number of councilors of the Council of Castile and of ordering the audits of all royal courts, see AGS, Patronato Real, leg. 70, fol. 9 (41–70, 51), Valladolid, 14 July 1523, "Lo que leyo el secretario comendador mayor."

and natives."[163] The *comuneros* also told Charles to reduce the Council of Castile to twelve councilors and to ensure that they implemented traditional Castilian policies, specifically the procedure of audits and of allowing councilors and judges only one office each.[164] Many years later, Secretary Cobos would have the occasion to compare Charles' resurrected monarchy with that of Philip II's own precocious ability to rule according to virtue and justice.[165] Yet Cobos was able to use Charles as the model of a just king because Charles had transformed his Burgundian patronage, especially the patronage that the *comuneros* had associated with the regime that Charles brought with him to Spain in 1517—a regime which, the *comuneros* believed, was a gaggle of foreigners and noble insiders who sold offices. What Charles did accomplish with Tavera's help was to forge a flexible administration that had to demonstrate consistently its function as a reliable and enduring provider of competent judges who were accountable to a system of audits.[166]

The Household

As Charles set about reforming the executive and judiciary, he also gave attention to his household, because one of the most important themes of the petitions of the 1523 Cortes revolved around the king's obligation to reform and hispanicize the household, *la casa y corte*.[167] The *procuradores* to the Cortes were not going to be satisfied with a regency of foreigners; they wanted a Spanish dynasty that would bring the kind of security Castilians believed they had during the reign of the Catholic Monarchs. Charles really had little choice but to follow their petitions, because the *procuradores* to the Cortes of 1523, 1524–1525, 1528, and 1532 made subsidy payments contingent upon how well

[163] "Los capítulos que los de la junta hicieron en la villa de Tordesillas para enviar a SM a Alemania para que los confirmase," Maldonado, *El levantamiento de España*, appendix, 464–465; Sandoval, *Historia del emperador*, 80:307.

[164] Sandoval, *Historia del emperador*, 80:307–308.

[165] For Cobos' 1543 letter, see Keniston, *Francisco de los Cobos* (1980), 257–261, 258: "Es señor muy apasionado de la virtud e muy devoto de la justicia, e aborrece en mucho grado todo lo opuesto e contrario a esto."

[166] For Charles' Burgundian etiquette, see Raymond Fagel, "Un heredero entre tutores y regentes: casa y corte de Margarita de Austria y Carlos de Luxemburgo, 1506–1516," in *La corte de Carlos V*, 1:115–140.

[167] AGS, Patronato Real, leg. 70, fol. 9, 71–89, Valladolid, 1523; petitions 3 and 4, CLC, 4:366–367, Valladolid, July 1523.

Charles implemented their reforms. One way to maximize the need to satisfy the cities and to save money was to appoint qualified and competent servants.

Distinct from the government, the personnel of the household served Charles' personal needs; they fed, clothed, armed, protected, entertained, cared for and prayed for him. Charles had to surround himself with servants who could transport the court and its supplies, and could provide tools, weapons, and the amenities of life. In order to facilitate a 'downsizing' of court officials and a strategy that would save money, Charles organized his court into four departments, each with a set of competencies: the downstairs and upstairs household, which included the medical staff, the hunting division, the defense department, and the chapel.

Charles' strategy to reform his court or household consisted of three phases: 1) the 1523 reforms of Charles' upstairs and downstairs household; 2) the 1523 to 1526 transformation of Charles' court, which involved the creation of a Spanish defense department and hunting organization; and 3) the 1526 creation and development of a Spanish dynasty. As I have demonstrated, Charles hispanicized and rationalized the executive, and beginning in 1523 he began to employ similar strategies in reforming his household. The guidelines Charles had to use for reform had been articulated earlier by the *procuradores* to the Cortes. The first phase was the rationalization and the hispanicization of the household, which occurred immediately after the session of the 1523 Cortes. This phase reveals how Charles streamlined his court personnel into subcategories of competencies within the four departments. The household upstairs wardrobe and the downstairs kitchen included his medical staff and a team of protectors, as well as a transportation crew, purveyors and postmen. Charles understood the advantages he would gain if he appointed Castilian and Aragonese nobles to serve as his butlers and stewards in the downstairs household: appeasing the Cortes, which demanded a Spanish court, he would also strengthen bonds of loyalty with his vassals and subjects. The second phase of hispanicization was concurrent with the first and it consisted of Charles' appointment of Spaniards for his protection and recreation: the hunt and falconry division, the army, personal royal guards, and *gentiles hombres*. For his defense, for example, Charles depended on Spanish knights who knew the battlefield and who had disposable income. The third phase of hispanicization intensified after Charles married Isabel of Portugal in the summer of 1526, and these changes increasingly hispanicized

the composition of the household, which came to include more and more Castilians. When Charles decided to marry Isabel, he confirmed his promise to Castilians, who wanted a monarchical family based in Castile. Charles aligned the future of his dynasty with Spain's destiny as a global network of autonomous royal municipalities. Charles also formed a partnership with an Iberian royal who had been groomed to administer monarchies. Isabel of Portugal was raised to manage a household and to rule kingdoms (in the absence of the king), so she had no difficulty assuming her responsibilities as Charles' most trusted advisor and executor of policies.

In 1523 the cities addressed two problems associated with the management of the household. First, Charles had inherited an immense staff of Aragonese chaplains, secretaries, accountants, and domestic caretakers that Fernando of Aragon had placed in Castilian offices. For this reason, Charles used Aragonese funds in order to provide benefits and salaries for his Aragonese staff. Second, Charles had filled his household with Flemish and Burgundian courtiers. With his reforms of 1523, Charles fired most non-Spaniards while relying on two court traditions in order to incorporate more Spaniards: first, a Burgundian court model of domestic departments, and second a Castilian practical division of household competencies.[168] For the new shape of the post-*comunero* monarchy, Charles considered a Castilian organizational

[168] Charles Moeller briefly mentions Charles' court of 1517 as a Burgundian institution consisting of over 500 servants and office holders. *Éléonore d'Autriche et de Bourgogne, reine de France: un épisode de l'histoire des cours au XVI^e siècle* (Paris: Librairie Thorin et fils, 1895), 272. In his description of Eleanor of Austria's court, Moeller lists the numerous departments of her *maison*, consisting of the *chapelle, chambre des dames, hôtel, écurie*, and *garde* (15–18, 182–186). The Castilian functional court model was divided into the *mayordomía* (palace), *capilla* (chapel), *cámara* (chamber), *mesa* (cooking and dining), *cancillería* (seals), *guarda* (defense department), and auxiliary branches specifically related to the leisurely and itinerant activities of the king, such as *montería* (hunting), *caza* (falconry), *cabellerizo* (the stable of horses), *acemilero mayores* (the stable of mules), and *aposentadores* (lodging managers). For details, see Jaime de Salazar y Acha, *La casa del rey de Castilla y León en la Edad Media* (Madrid: Centro de Estudios Políticos y Constitucionales, 2000), 129–160. For an analysis of Castilian courtly performance, see Álvaro Fernández de Córdova Miralles, *La corte de Isabel I: ritos y ceremonias de una reina, 1474–1504* (Madrid: Rústica, 2002), 207–374. For Philip I's introduction to Spain of Burgundian court offices, artisans, and ceremonies, see Domínguez Casas, *Arte y etiqueta de los Reyes Católicos*, 128–131, 141–143, 156–157, 167–172, 557–616, and 661–666. After Charles returned to Spain in 1522, the majority of court functions had or was given Castilian names, except for a few competencies such as the *gentiles hombres*.

model for domestic service.[169] In the light of the *comunero* dissatisfaction with the Burgundian regime of 1517–1522, the appointment of aristocratic Castilians to royal court functions became the most important task, second only to the appointment of qualified men and women who knew how to provide domestic services and who had been raised for generations to serve their monarchs. Charles had to incorporate a generation of cooks, sweepers, workers, craftsmen, horsemen, doctors, and nobles who expected to be considered for the tasks that they had been raised and trained to do.

Even before he hispanicized his household, Charles rationalized this action by ordering his accounting staff to take inventories of the household and its range of salaried officials in order to determine employment figures and domestic expenditures, and to decide which functions were necessary.[170] Because the *procuradores* to the Cortes had so constrained Charles, he made it clear to them that for his household he would nominate Spanish knights (*caballeros*), sons of the grandees, and others "with the merits and salaries customary in Castile."[171]

Charles began to show the maturity and wisdom that his Castilian subjects wanted from their monarch. He was also more responsible about household appointments because he had to pay his servants directly from his own revenues. Unlike funds for the judiciary, household expenditures (which included the salary of the servants) came from royal coffers, and this forced Charles to be very prudent in his

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[169] For a contrary argument that Charles and his son Philip II relied on a Burgundian 'principle of privacy', see Antonio Feros, *Kingship and Favoritism in the Spain of Philip III, 1598–1621*, Cambridge Studies in Early Modern History (Cambridge: Cambridge University Press, 2000), 82–83. For the traditional Spanish court model, see Fernández de Córdova Miralles, *La corte de Isabel I*, 127–206. For a historiographical coverage of Spanish monarchical courts, in particular the role of female monarchs, see Joseph F. O'Callaghan, "The Many Roles of the Medieval Queen: Some Examples from Castile," in *Queenship and Political Power in Medieval and Early Modern Spain*, ed. Theresa Earenfight (Burlington: Ashgate Publishing Company, 2005), 21–32. For a useful comparison, see C.M. Woolgar, *The Great Household in Late Medieval England* (New Haven: Yale University Press, 1999).

[170] "…ya sabeis cómo en estas cortes a suplicación de los procuradores del reyno determiné de reformar algunos oficios de mi casa en lo qual se ha atendido y entiende y por qué cómo sabeys entre los otros hay mucho número de continos…que se reforme lo que agora hay y vosotros sabeys mejor lo que con cada uno se deve hacer y conoceis la calidad de las personas por ende yo vos mando que luego veays todos los continos que están asentados en los libros recibidos por los católicos reyes…y los salarios que tienen señalados." Charles to *contadores mayores*, Burgos, 11 Sept. 1523, AGS, Estado, leg. 11, fol. 121.

[171] AGS, Patronato Real, leg. 70, fol. 9, 62v–63, Valladolid, 1523.

appointments. He ordered his accountants to record expenses pertaining to the material welfare of the monarchy: salaries and *per diem* benefits of the household.[172] Because his transactions and military outlays created debt and never any surplus, servants were to receive salaries as part of royal expenditures and not on surpluses after expenditures. Charles began to cut down the number of sinecures, especially in non-judicial offices, and he recorded many Castilian and Aragonese vassals in order to make selections.[173] Only those who provided essential services received an income and the compensation of household residence. Charles made his appointments increasingly from among the middle and lower level subjects of the realm, in particular for the upstairs and downstairs components of the household.

Downstairs and Upstairs Household

The downstairs and the upstairs domestic households consisted of staffs each headed by a master. Even in Spain, Charles was always on the move and a large number of craftsmen, cooks, physicians, protectors, and domestic helpers had to minister to the daily needs of the household. Subdivisions in the downstairs included the butlers and stewards and kitchen teams headed by the pastry chef and poultry steward. Charles enlisted the services of Castilian nobles to serve as butlers.[174] Craftsmen and skilled women worked as carpenters, needle workers, sword makers, harness makers, and saddle makers, in addition to a team of mechanics. Caregivers and entertainers ranged from pages to porters and musicians. Sixteen *oficiales de casa*, most of them Aragonese, supervised the production and maintenance of weaponry, equipment, and tackle. They included a quartermaster (*maestro de tiendas*), silversmith (*platero*), bridle maker (*frenero*), glover (*guantero*), goldsmiths (*turador de oro, dorador*), harness/bard maker (*maestro de jaezes*), head gunner (*artillero*), and ordnance specialists (*peloteros*). In addition to these officers and their

[172] AGS, Estado, leg. 11, fols. 32–35.

[173] AGS, Estado, leg. 11, fol. 53, "los que se sacan de la casa." Apparently 10 were removed.

[174] For butlers, see Estado, leg. 11, fol. 39, "del estado de la mesa." Notables in the list of *mercedes* included Pedro de Zúñiga, son of the duke of Béjar; Alonso Manríquez; Juan de Vega; Luis de la Cueva, son of the duke of Albuquerque; Juan Manríquez, son of the duke of Nájera; Alvaro de Córdova; Diego Sarmiento; Enrique Enríquez; Hernando de Fonseca; Antonio de Sotomayor; Pedro de la Cueva; Alvaro de Zúñiga; and Cristóval de Toledo.

staffs, the king's household relied on masters and auxiliaries to cut hair (*tundidor*), organize the delivery and preparation of the meals (*repostero de mesa*), make upholstery and chairs (*sillero*), make ropes (*cordonero*), and deliver mail (*correo*).[175] This mail courier was but one of many who were on royal pay or had contracts; these included the family firm, de Taxis, who operated the delivery system for the exterior or international mail (*maestro mayores de posta*).[176] Twelve Spanish couriers supplemented the monarchy's need for domestic mail.[177]

Ensuring that the future needs of the entire wardrobe and bedroom division and the dining and kitchen staffs would be provided for, a team of five surveyors of housing (*aposentadores*) traveled ahead in order to find lodging for the courtly retinue. These officials served the needs of an itinerant monarchy that never rested in one locality for long; thus they had to find palaces in areas that were free from plague infestations, had sufficient resources and reasonable wheat prices, and were appropriately situated for special ceremonies such as the imperial wedding between Charles and Isabel in Seville in 1526 and various sessions of the Cortes.

Charles' household was itinerant and it required a team of men in charge of transport and the stables. The master of the horse (*caballerizo mayor*) supervised all transportation needs, vehicles, packing cases, horses and mules, and supply of fodder. Charles had two stables, the *caballeriza* of Spanish servants and the Burgundian *Escuierie et armurie*. When in Spain, Charles supplemented the Burgundian *Escuierie* with the Castilian team headed by the *caballerizo mayor* and containing a retinue of over thirty *mozos de espuelas* and *escuderos de pie*.[178] Also important was the *acemilero mayor*, the muleteer, and his team in charge of pack-horses.

Along with these normal attendants and supervisors of the household, at least four guards supervised the ladies of the imperial household

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[175] AGS, Estado, leg. 11, fol. 46, "oficiales de casa."

[176] AGS, Estado, leg. 11, fol. 46, "todas las personas que estan asentadas en carta de ración de la casa de SM y libros de su escrivanía de ración."

[177] AGS, Estado, leg. 11, fol. 29, Pamplona, 1523, "escuderos de pie que son doze…tienen 8,000 maravedís de quitación."

[178] For a list of each of the two, see Fernández Conti et al., ed., "Lista por casas y cargos de los servidores de las casas reales: casa de Borgoña del emperardor," in *La corte de Carlos V*, 5:7–46; "Lista por casas y cargos del los servidores de las casas reales: casa de Castilla del emperador y la reina Juana," ibid., 5:47–71. See also ibid., "Etiqueta de la casa del señor Emperador Carlo Quinto dada por Su Magestad siendo príncipe en el año de 1515, traducida del original Francés firmado de su mano que con esto se entregó a Su Magestad" ibid., 5:137–168; for document, see IVDJ, ms. 26–I-28.

(*mujeres de cámara*) and six deputies at arms (*alguaziles*) maintained law and order. The salaries and per diem covered bodyguards (*reyes de armas*) and pages (*pajes*).[179] Most of these functionaries were from Aragon and their incomes drawn from the *libros de Aragón*, or revenues drawn from Aragonese sources. In addition to bodyguards, six guards (*porteros de cadena*) stood watch over the entrance gates of the palace where the court happened to be residing.[180]

For the upstairs division, Charles depended upon a wardrobe staff to meet his daily bedroom needs. Twenty-five Aragonese deputies of the chamber (*continos*) attended to his bedroom and clothing requirements.[181] Their reward for service was court residence and modest incomes based on royal revenues. In 1523 Charles returned to Spain without his large cast of Burgundian and Flemish servants, including *chambelanes, escuiers d'escuierie, gentilzhommes de la bouche*, and *gentilzhommes de l'hostel*.[182] In the same year he appointed many Spanish *gentiles hombres de la casa y de la boca*. Charles enlisted the services of Castilian nobles to serve as stewards (*camareros*).[183]

Medical Staff

By 1523 Charles' household included a large medical staff that was responsible for the welfare of the royal family. One physician received a yearly income of 150 ducats (*físico*, Dr. Miguel Zorita de Alfaro), which was probably the normal income of the head doctor. A mini-

[179] AGS, Estado, leg. 11, fol. 46, "relación de los oficiales del rey nuestro señor que están asentados en los libros de Aragon." Bodyguards earned an annual salary of 24,480 maravedís.

[180] AGS, Estado, leg. 11, fol. 33.

[181] AGS, Estado, leg. 11, fol. 46, "relación de los oficiales del rey nuestro señor que están asentados en los libros de Aragon."

[182] Fernández Conti et al., "Lista . . . casa de Borgoña," 5:10–20.

[183] For the stewards, see AGS, Estado, leg. 11, fol. 39, "las cartas que se despacharon." The stewards included Francisco Pacheco; Luis de la Cueva; Antonio de Córdova; Lorenzo Manuel, son of Juan Manuel; and Miguel Cabrero. In Estado, leg. 11, fol. 60, the list of *camareros* include the men mentioned above in addition to Alvaro de Córdova; Luis de la Cerda; Enrique Enríquez; Alvaro de Medina, son of the count of Castro; son of the count of Belalcázar; Juan de Vega; Diego Sarmiento; Luis de Zúñiga; son of the marquis of Aguilar; Pedro, son of the duke of Béjar; son of the duke of Nájera; Jorge de Portugal, son of the count of Valencia has a single strikethrough; son of the marquis of Aguilar; Cristóval, son of the count of Oropesa; and Hernando de Rojas, son of the marquis of Denia.

mum staff of five surgeons and three doctors were on hand as well.[184] Eleven doctors (*médicos*) and six surgeons (*cirujanos*) were included in an inventory composed at a later period (probably after Charles' imperial journey of 1529–1533). This list provides sufficient evidence to suggest that a rather large medical staff, all of them with advanced degrees, were on duty at any one time.[185] Still, there were other physicians not included in the cited list of Charles' *cámara*: the chamber of doctors and servants who traveled exclusively with Charles, including Dr. Ezcoriazo (*médico de cámara*), who followed Charles on his travels, such as during the imperial campaign of 1529–1533.[186] Dr. Francisco de Villalobos, who in addition to caring (during the years 1517–1520) for members of the Burgundian court suffering from plague, stayed close to Charles off and on for years because of Villalobos' expertise in dealing with plague

[184] AGS, Estado, leg. 13, fol. 73, "memorial de médicos y cirujanos"; Domínguez Casas, *Arte y etiqueta de los Reyes Católicos*, 601.

[185] AGS, Estado, leg. 13, fol. 73. The doctors included: Licentiate Gálvez, "médico de la Inquisición que reside en corte"; Dr. Juan Gutiérrez de Santander, "médico de la iglesia de Sigüenza"; Dr. Alderete, "catedrático de prima de Salamanca"; Dr. Mena "catedrático en Alcalá"; Dr. Amador "colegial en el colegio de Valladolid"; Dr. Arteaga "médico que fué en Guadalupe residente en Salamanca"; Dr. Boñilla "yerno del Dr. Moreno"; Dr. Lozano "que solía vivir con el duque don Fernando"; Dr. Alday, "médico de Vitoria"; Dr. Aguirre "en Guipúzcoa"; and Dr. Madero "médico de Madrid." The *cirujanos* were: Dr. Zavala "ha estado en Guadalupe"; Salcedo "que reside en el hospital real de Zaragoza"; Licentiate Sevilla "que tambien ha estado en Guadalupe"; Bachiller Tolosa "cirujano del hospital real de Santiago"; Bachiller Monasterio "vive en Guipúzcoa"; Bachiller Muñoz "ha servido en las dos jornadas." A partial list of the Burgundian medical staff compiled by the team under Martínez Millán contains only nine physicians (*medeciens*) and twelve surgeons (*chirurgiens*) appointed by Charles from 1515 to 1556. Fernández Conti et al., "Lista…casa de Borgoña," 5:38–39. In another partial list of the households of Charles and Juana, there is one *doctor*, Pero Hernández de Melgar, apparently appointed in 1527; one *protomédico*, Nicolás de Soto (1520–1534); four *médicos*, Juan de Herrera (1523–1531), Pedro de Frías (1527?), Francisco de Villalobos (1527–1535), and Santa Carra (1534–1556); four *cirujanos*, Hernando de Soria (1516–1521), Jaime Bonfil (1522–1523), Gonzalo Muñoz (1535–1556), and Vicente Serras (1545–1553); four *físicos*, Nicolás de Soto (1516–1517), Miguel Zorita de Alfaro (1529?), Francisco de Cea (1525–1533), and Tudela (1533–1534); and four *boticarios*, Bartolomé Castellón (1516–1517), Mateo Moreno (1517–1527), Cristóbal de Génova (1542?), and Bartolomé de Génova (1545–1555). Fernández Conti et al., "Lista…casa de Castilla," 5:60. According to the dates given by the editor, upon his return to Spain in 1522 and during his stay in Spain Charles apparently appointed five medical personnel, all of them Spanish. In another list compiled by Dr. Lobera de Avila, he mentions only twenty-three "ilustres y doctísimos médicos de nuestro tiempo," a list which did not include numerous doctors. Antonio María Fabié, *Vida y escritos de Francisco López de Villalobos* (Madrid: Imprenta de Miguel Ginesta, 1886), 105–106.

[186] For Ezcoriazo, see AGS, Estado, leg. 13, fols. 145, 186, 188. For a letter during the regency of 1529–1532, see Estado, leg. 635, fol. 65, Escoriazo to Isabel, Ratisbon, 1532; CDCV, 1:334–335.

pestilence and its continual recurrence in Spain.[187] Remaining in Spain during the revolution, Villalobos was Charles' personal doctor (*médico de la cámara*), but in 1524 he encountered difficulties with the Italian physician, Narciso Verdín, who prescribed a remedy for Charles' malarial paroxysms (*quartanas*) to which Villalobos objected, and subsequently Villalobos departed from court.[188] When Charles married Isabel of Portugal in 1526 Villalobos returned to the court as Isabel's personal physician, *médico de familia*, attending to her malarial fevers until she died in childbirth in 1539. At one time Charles employed twelve *médicos de familia*, divided into two groups, the doctors and surgeons.[189]

A large medical staff was necessary in order to deal with childhood illnesses and care for a family that endured numerous often fatal diseases, such as *alferecía* which was either epilepsy or more likely neonatal tetanus or neonatal sepsis.[190] Because Charles, Isabel, and Philip suffered from recurrent malarial fevers, the medical team spent as much energy trying to alleviate symptoms.[191] In return for years of service, royal physicians expected *mercedes*, typically municipal offices such as city council seats (*regimientos*) and clerkships (*escrivanías*).[192] During their terms of service, head doctors and chief surgeons had the benefits of three horses and two assistants.[193]

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[187] For Villalobos' care of Sauvage, who died of plague, and Cardinal Croy, who survived, see Giménez Fernández, *Bartolomé de las Casas*, 2:177. For a Villalobos letter addressing *peste*, see CDCV, 1:548, Villalobos to Cobos, Toledo, 28 April 1539.

[188] Fabié, *Vida y escritos de Villalobos*, 42. For Narcíso Verdín, see Fernández Conti et al., "Lista por casas y cargos de los servidores de las casas reales: casa de Aragón del emperador y la reina Juana," 5:72–81, 78. According to this list, Verdín's dates are 1517–1519.

[189] Domínguez Casas, *Arte y etiqueta de los Reyes Católicos*, 601–602.

[190] For the reference of *alferecía* regarding the cause of death of the Infante don Fernando, see AGS, Estado, leg. 19, fol. 45, the count of Miranda to Charles, Madrid, 14 July 1530; Girón, *Crónica del emperador*, 11: "estuvo la emperatriz en la villa de Madrid y estando allí dió al infante don Fernando una enfermedad que llaman las mujeres alferezía que son unos temblores y desmayos que acaban los niños en poco tiempo, y asi hizo a este infante, que no duró un día natural."

[191] For a reference to Charles's and Philip's *tercianas*, see AGS, Estado, leg. 636, fols. 171–172, Charles to Isabel, Ratisbon, 13 Aug. 1532; CDCV, 1:380–382. For reference to Charles' *quartana* fever, see Rodríguez Villa, *El emperador Carlos V*, Martín Salinas to Salamanca, Valladolid, 19 Sept. 1524, 219; Foronda y Aguilera, *Estancias y viajes del emperador*, 249 (Madrid, Jan. 1525). For the Empress's *tercianas*, see Guerra Marina, leg. 2, fol. 68, the archbishop of Toledo to Charles, Toledo, 27 April 1529.

[192] For examples of solicitations of a *regimiento* and an *escrivanía*, see AGS, Estado, leg. 235, fol. 235.

[193] Domínguez Casas, *Arte y etiqueta de los Reyes Católicos*, 601.

Hunting Organization

As important to Charles as his household staff of caretakers and doctors was his hunting organization.[194] The pastime of training and hunting replaced the dangers of warfare when Charles was in Spain. Charles relied on a retinue of twenty-four game hunters,[195] headed by the Hunt Master (*montero mayor*), the count of Fuensalida, who received an annual salary of 60,000 *maravedís*.[196] The dogs and crew of the count of Fuensalida required 735,000 *maravedís* each year.[197] Additional hunting experts facilitated Charles' chivalric way of life. The marquis of Aguilar was the Grand Master of Falconry (*cazador mayor*) earning 100,000 *maravedís*, and his staff of four lieutenants received 42,000 *maravedís*. The marquis' team of mounted archers required 1,200,000 *maravedís* each year and his retinue of hunters 280,000 *maravedís*.[198] In addition to these teams, the king provided salaries to beaters, eight trumpet players, four drummers, and six woodwind players (*menestriles*).[199]

Defense Department

Probably the most expensive section of the king's household was his personal military force. The king's defenders consisted of three groups: the Spanish guard, the royal army, and the aristocratic contingency of *gentiles hombres* who, as vassals of the king, provided military service.[200] The Spanish guard was a small unit, composed of the captain (*capitán de la guarda española*), his fifty-strong regiment (*monteros de la guarda*), more than fifty halberdiers (*alabarderos de pie*), assistants (*escuderos de pie*), and crossbowmen (*ballesteros*). 3,870 ducats of yearly income were given to

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[194] AGS, Estado, leg. 11, fol. 31, Feb. 1523, "relaciones de los oficiales del rey…son 21 monteros que tienen asiento por albalás de SM."

[195] AGS, Estado, leg. 11, fol. 29, Pamplona, 1523. Twenty-four *monteros* had a salary of 12,000 maravedís.

[196] AGS, Estado, leg. 11, fol. 46, "todas las personas que estan asentadas en carta de ración de la casa de SM y libros de su escrivanía de ración."

[197] Ibid.

[198] Ibid.

[199] AGS, Estado, leg. 11, fol. 33.

[200] For the royal army, see AGS, Estado, leg. 11, fol. 3, Fall 1523? "relación del aviso que se dió en Vitoria a SM para poner orden en la gente de armas de la guarda de Castilla para que SM pueda ser mejor servido y a menos costa a lo qual es en la manera sigiente." For *gentiles hombres*, see AGS, Estado, leg. 11, fol. 36–37, "los gentiles hombres que han de servir." For list of aristocrats from Castile, Aragon, and Valencia, see Estado, leg. 11, fol. 60.

this elite group of *alabaderos*, and they received a special subsidy for the *vistuario* of 1,868 ducats, which had to cover the expense of dressing fifty horses.[201] The *escuderos de pie* received salaries of 8,000 *maravedís*, with additional amenities when traveling abroad.[202] The chief positions of crossbowmen included the *maestro ballestero* and two *ballesteros de marca*. The master archer earned 4,000 *maravedís* a year. Beginning in December 1522, the crossbowmen received an annuity (*quitación*) of 15,000 *maravedís* and 14,600 *maravedís* per diem (*asiento de costa y de ración*).[203]

By 1524 Charles had not only restructured the Burgundian and Aragonese household he inherited, but he had also reformed the military bodies, providing salaries and opportunities for many Castilian males. The main difference between the earlier Burgundian system and the new one was the incorporation of a select number of Spanish soldiers and horsemen. Charles cut down the retinue of the royal army, the second component of his military force.[204] The annual expenditure for the 1,600 soldiers (*hombres de armas*) amounted to 128,000 ducats and for the 1,000 mounted troops (*ginetes*) 48,000 ducats. Reforms to cut the military budget began with a reduction in the number of bodyguards, from 1,600 to only 1,000. Downsizing the king's defense staff meant restructuring the regiments. A total of fourteen regiments were divided into two separate units of six regiments of one hundred guards and one hundred horsemen (*caballeros lijeros*), and eight regiments of fifty armed men and fifty horsemen. A captain led each regiment, which included his lieutenant (*teniente*), sergeant, and a captain of the equestrians. Each of the six regiments of one hundred guards and horsemen was subdivided into sixty armored horsemen (*a la estradiota o bastarda con lanzas*), thirty light horsemen (*a la gineta*), and ten men with crossbows. Each of the eight regiments required fifteen *ginetes* and five crossbowmen. Based on a balance sheet drawn up by a royal accountant and apparently compared to expenditures in 1523 and earlier, the annual income rose twenty-five percent, from eighty to one hundred ducats, but the soldiers had to supply and provide for themselves two horses and a squire. The annual salary for horsemen was fixed at seventy ducats,

[201] AGS, Estado, leg. 11, fol. 46.
[202] AGS, Estado, leg. 11, fol. 29.
[203] For the crossbowmen, see AGS, Estado, leg. 11, fol. 33.
[204] AGS, Estado, leg. 11, fol. 3, "relación del aviso que se dío en Vitoria a SM para poner orden en la gente de armas de la guarda de Castilla para que SM pueda ser mejor servido y a menos costa a lo qual es en la manera sigiente."

totaling 70,000 ducats per year for all. The royal guards cost Charles 252,000 ducats per year to maintain. Nonetheless, the reforms saved the monarchy 58,200 ducats, which were then earmarked to pay the salaries of 1,000 foot soldiers (*infantes*) led by their German general. 35,000 ducats covered the annual pay for the 1,000 *infantes*, and the remaining 23,200 ducats went toward investing in ordnance. No longer to be divided into two artilleries, the king's guns were organized into one unit, with an increase of 23,000 ducats from a meager 8,000 ducats, totaling an outlay of 31,000 ducats per year.[205]

At the session of the 1523 Cortes in Valladolid Charles made clear that for his court he would nominate Spanish knights (*caballeros*), sons of the grandees, and other men with qualifications (*méritos*) to serve as *gentiles hombres*.[206] *Gentiles hombres* were sons of the king's vassals who were expected to reside at court and to travel with the king. Because the *gentiles hombres* were knights, they were superior to soldiers in terms of rank and honor. Hence the Spanish cities saw that the continuity of Flemish cronyism had been broken as Charles appointed Spanish *gentiles hombres* to serve as his cadre of knights. The outlook grew better for the noble families when their sons began to defend the king's life and reputation, especially because many of these noble fathers and grandfathers had themselves been *continos hombres de armas*, which was the older term used during the Trastámara era (1369–1504).[207] Charles counted on help from young aristocrats seeking their fame, and they in turn counted on the emperor to guide them in establishing their military and political careers. Charles would provide them with salaries that were customary in Castile (*a la manera acostumbrada de Castilla*).[208] The pool of candidates for this office and military function consisted of the sons of the major families: Mendoza, Fonseca, de la Cueva, Guzmán, de la Cerda, Zúñiga, Manrique, Acuña, Enríquez, and de Toledo.[209] Initially, appointments were for six months, in which time

[205] AGS, Estado, leg. 11, fol. 3.

[206] AGS, Estado, leg. 11, fols. 36–37; Estado, leg.. 11, fols. 123–148, 1523, "minutas, memoriales, consultas, y cartas para señalar información de la casa del emperador hecha en el año 1523 con veinte cartas y memoriales de caballeros particulares en supuesta de la merced que les hizo SM de nombralos por gentiles hombres de la dicha su casa el dicho año."

[207] For *continos*, see Rosa María Montero Tejada, "Los continos 'hombres de armas' de la casa real castellana, 1495–1516: una aproximación de conjunto," BRAH 198 (2001): 103–130.

[208] AGS, Patronato Real, leg. 70, fol. 9, 62v–63, Valladolid, 1523.

[209] AGS, Estado, leg. 11, fols. 127–128, 130–131, 135, 138–141, 144, and 147–148.

the candidate had to provide military service.[210] Thirty-five came from Castile, seventeen from Aragon, twenty from Valencia, seventeen from Cataluña, and four from Navarre.[211]

In 1523 Charles forged a Spanish body of *gentiles hombres*. The new division, dominated by Castilian sons and relatives of the most powerful families in Castile, served for six months (or at least received an income for the duration of six months). Many of the forty Castilians were relatives of titled aristocrats and sons of grandees such as the de la Cueva clan, as well as relatives of the marquis of Astorga, the duke of Medinaceli, the duke of Alba, the admiral of Castile, the marquis of Aguilar, the constable of Castile, and the marquis of Denia. Twenty-two *gentiles hombres* were Aragonese, eighteen were from the kingdom of Valencia, eleven from Catalonia, three from Navarre, and four from the kingdom of Naples.[212] The royal expense sheet taken in 1523 has figures of 40,000 ducats for salaries, and the total expenditure (which included per diem costs), was 64,289 ducats to cover the expenses for two hundred *gentiles hombres*.[213]

Charles confirmed the benefits that the *procuradores* had requested for knights by providing the *merced* of military posts to Castilian nobles. Additional nobles and citizens were given offices with income (*asientos*): Pedro de Acuña (*vecino* of Toledo), Antonio Enríquez, García de Toledo (son of Francisco de los Cobos), Cristóval de Mendoza, Juan de Ganboa, *Comendador* Juan Velázquez (son of Juan Velázquez), and Juan de Luna.[214] Charles thus reconstructed the military framework of his court with the sons of the knights who had supported the loyalist cause during the revolution.[215] In other words, Charles followed the

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[210] For salary compensations, see AGS, Casas y Sitios Reales, leg. 31, leg. 10, and leg, 127.

[211] AGS, Estado, leg. 11, fols. 36–37.

[212] AGS, Estado, leg. 11, fols. 36–37. The list is probably fragmentary since not all 200 men are enumerated. Another fragmentary list is Estado, leg. 11, fol. 60.

[213] AGS, Estado, leg. 11, fol. 46, "sumaría y relación"; cf. Estado, leg. 11, fol. 44, Charles/Cobos to Ferrez de la Nuza, Burgos, 11 Sept. 1523, "paga para los oficios de la casa real y plazas vacías para hincharlas de naturales."

[214] AGS, Estado, leg. 11, fol. 40, "sobre lo de la reformación y asientos de la casa del emperador."

[215] AGS, Estado, leg. 11, fol. 39, "las cartas que se despacharon." Additional *gentiles hombres* nominated, most of whom were subsequently appointed, were Miguel de Velasco; Jorge de Portugal, son of the count of Valencia; don Juan de Mendoza, son of Pedro de Mendoza; Sancho de Córdova; Francisco de Tovar; Diego Gonzáles de Carvajal; Antonio de Rojas; Juan Puertocarrero; Diego Osorio, son of Alvaro Osorio; Juan de Almeida; Juan Manríquez, son of the duke of Nájera; Francisco Osorio; Diego de

advice of the cities to rebuild his authority, securing the military and professional careers of vassals, enhancing his own rule as a provider of justice and *merced*.

The Chapel

The chapel was the fourth department of *la casa y corte*, but it was no less important than the defense department, the hunting division or the upstairs and downstairs household. The chapel in particular shows evidence of Charles' program of hispanicization. Charles inherited a company of seventy-five chaplains in addition to the forty chaplains residing with Queen Juana in Tordesillas, for a total of 115 Spanish chaplains predating his reforms of 1523–1524.[216] Of the 115 chaplains, thirty were Castilian, many of them appointed as early as 1516, and only seven of these chaplains obtained their appointment in 1522–1523. They received an annuity of 8,000 *maravedís* and a per diem stipend of 7,000.[217] The *libros de Aragón* of 1523 detail an additional thirty-six members of the chapel, most of them Aragonese, and an outlay of 78,120 *sueldos*.[218] The reforms initiated by the end of the year 1522 raised the number of chapel members from 115 to 121: seventy-six Castilian chaplains and nine Castilian preachers, followed by thirty-four chaplains, one acolyte (*mozo de capilla*), and two masters of scripture.[219] Eight of the nine Castilian preachers earned salaries of 60,000 *maravedís*.[220] Only three of the preachers were appointed after Charles' return to Spain in 1522. Additionally, one grand chaplain (President Tavera, appointed in 1523) supervised the royal chapel, and this staff included thirty-seven chaplains who earned the usual sum of 8,000 *maravedís* (*quitación*) and

Mendoza Sarmiento; Alonso de Mendoza; Hurtado de Mendoza; Pedro de Cartagena, *regidor* of Burgos; Garcilaso de la Vega; Rodrigo de Batín, *regidor* of Granada; Gómez, son of the count of Castro; Luis de Toledo, son of don Garcia de Toledo; and Pedro de la Cerda, son of the duke of Medinaceli.

[216] AGS, Estado, leg. 11, fol. 34, "relación de los oficiales del rey."

[217] AGS, Estado, leg. 11, fol. 34. In this list of thirty-nine salaried members of the chapel, some chaplains began their terms as late as July of 1523. Only thirty-nine of the 115 mentioned qualified for salaries.

[218] AGS, Estado, leg. 11, fol. 46, "relación de los oficiales del rey nuestro señor que estan asentados en los libros de Aragón."

[219] The preachers earned 3,600 *sueldos*, whereas most chaplains made an annual salary ranging from 1400 to 3,600 *sueldos*. AGS, Estado, leg. 11, fol. 46, "relación de los oficiales del rey nuestro señor que estan asentados en los libros de Aragón."

[220] One of the preachers went to serve Queen Juana residing in Tordesillas.

7,000 per diem (*ayuda de costa*). All of the thirty-seven had *asientos* prior to Charles' departure in 1520, but after 1523 they became eligible to earn salaries and per diem benefits.[221]

Charles' hispanicization of the chapel conformed to his plan to reward loyalty. The appointment of chaplains was part of the overall mechanism of royal grace by which Charles widened his base of support among the social elites and the ecclesiastical intelligentsia in Spain. Before, during, and after the revolution of 1520–1521, royalist support came from those with whom Charles had surrounded himself in the years 1516 to 1519, and Charles rewarded the chaplains for their loyalty with continual employment in addition to opportunities to aggrandize their service record.[222] As early as 1516, Charles had recruited many Spanish chaplains: a total of 158 in that year. Some of them were the sons of nobles (the duke of Nájera and the duke of Infantado), others were the sons of officers of the monarchical government (Dr. Guevara, Dr. Beltrán, Diego López de Zúñiga, Secretary Juan Ramírez, and Pedro de Mendoza), and thirty-six—almost all of them Aragonese—received salaries drawn from tax revenues of the crown of Aragon.

The case of Charles' *casa y corte* after 1523 does not signal any radical change, but rather a return to tradition. The imposition of a foreign court on Spain in 1517 triggered the revolt; Castilians were outraged by Charles' misguided efforts to elevate his Burgundian court above his Spanish household. Persisting without fundamental change for several centuries, the royal household model required the labor of men and women who knew how to care and feed, to defend and offer leisure, and to perform the sacraments for peripatetic monarchs who had never established a capital.[223] Charles' own imperial career may have placed more pressure upon his departments to coordinate travel, food, and lodging. Nonetheless, Spanish servants were well accustomed to itinerant courts. Even though Charles remained in Spain continuously

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[221] AGS, Estado, leg. 11, fol. 35, "suma de los oficiales del rey nuestro señor que por títulos de SM son asentados después que es en buena hora rey."

[222] For a list of the members of the royal chapel between 1516 and 1556, see Fernández Conti et al., "Lista…casa de Castilla," 5:47–53.

[223] For royal residences in Castile and Aragon, especially the *alcázares*, see Domínguez Casas, *Arte y etiqueta de los Reyes Católicos*, 61–74, 253–288, 310–332, 397–432, 499–529. For Philip II's faithful adherence to Charles' instructions regarding Burgundian ceremonial practices during his journey to the Netherlands, see Helen Nader, "Habsburg Ceremony in Spain: The Reality of the Myth," in *Culture, Society and Religion in Early Modern Europe: Essays by the Students and Colleagues of William J. Bouwsma*, ed. Ellery Schalk (Waterloo, Ont.: Department of History, University of Waterloo, 1988), 293–309.

for seven years (July 1522–July 1529), he spent these years in constant motion. His 1522–1529 *Vuelta a España* consisted of a campaign in Navarre (1523–1524), the imperial wedding in Seville and honeymoon in Granada (1526), sessions of the Cortes in Valladolid (1523–1524), Toledo (1525), Madrid (1528), Monzón and Zaragoza (1528), and Segovia (1532), and avoiding or fleeing from outbreaks of pestilence in Andalusia (1523), Valladolid (1527), Madrid (1528), and Medina del Campo (1532).

Charles' hispanicization of his court was a conservative change that effectively repudiated the Burgundian aberration. Since the thirteenth century, the monarchs of Spain had developed a household economy experienced in customary travels throughout the Iberian kingdoms, so the Spanish household that Charles inherited was no less proficient in caring for him. The citizens of Spain and the vassals of the king had a long tradition of interaction and, based on the universal reaction against the imposition of a Burgundian court, Spaniards did not want an end to their relationship of service with the monarchy. The crown's financial dependence on the Cortes merged with the king's obligation to rely on them for his day-to-day financial needs. Just as important as drawing servants from the people of Spain was an additional duty: that of establishing a new dynasty, which in turn would lead to a long future of interdependence with, and continued royal service to, his Spanish subjects. Above all, as the *comunero* platform of "no taxes without royal duty" came to be used by the city representatives of the 1523 Cortes, Charles had to rely on Spaniards if he expected to receive Spanish funds.

During Charles' reign, especially before his imperial campaign of 1543–1556, offices of the court were not bought and sold. Rather, they were salaried and based on a wide range of competencies. Charles' court served multiple needs: it provided honorable vocations to Spanish vassals and subjects, it gave livelihoods with incomes, and it furnished the Habsburg family with the range of services it required. Talent, expertise, experience, loyalty, and industry were the merits that Charles sought in employing Spaniards. Unlike members of the judiciary, the servants of the Habsburg household did not need a formal education; rather they required skills that made them competent in their duties. Except for the medical staff, household servants did not hold advanced degrees. Gratuities may have comprised a significant portion of their incomes, but just as important was the opportunity to serve and do something more significant than mere subsistence survival or life in

the village. Nepotism and string-pulling may have occurred in certain appointments, but the primary qualifications for these positions were the willingness to do a good job, to accomplish rewarding tasks, and to provide for one's family.[224] Charles' restructuring of the household was therefore part of a large-scale reform of government.

The Formation of a Spanish Monarchy

Karl Brandi argued that upon Charles' return to Spain in 1522, "his court was slowly recreated to combine the features of both Burgundian and Spanish culture, of Renaissance thought and imperial tradition" and that Charles excluded from government the high nobility, or the *grandes*.[225] He added that two new groups took the place of the Burgundians and *grandes*: the lesser nobility and the regime of officeholders who were "more suited to royal service in the growing modern state." Brandi correctly recognized some of the changes Charles made in his household, but he failed to see how the Cortes had pressured the king into the renovations. In Brandi's estimation, the Cortes was where Charles explained "the point of view which governed his policy in external as well as internal affairs, and filled the Spaniards with a consciousness of their mission to the world." The Cortes, for Brandi, was not a true parliament, but an arena where "technical details, such as the replacement of the old *alcabala* by a poll-tax, the *encabezamiento*, and all the varied regulations connected with it, were of far less importance" than Spain's so-called historical mission.[226]

Brandi's argument that Charles' household was an amalgam of Burgundian and Spanish elements raises a problem of chronology. Charles' career spanned nearly half a century; he thoroughly hispanicized his court beginning in 1522. Brandi, it seems, simply assumed that Charles' court remained Burgundian all along, even after it saw an infusion of

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[224] Charles provided *merced* to his servants and royal supporters on the basis of their service record. For payment list, see AGS, Contaduría Mayor de Cuentas, leg. 578, 1538, "Oficios y oficiales de la casa de la católica reyna y del emperador." For salaries and compensations, see AGS, Casa y Sitios Reales, leg. 124.

[225] Brandi, *The Emperor Charles V*, 197. For important revisions of German scholarship on Charles V, especially new avenues of research opened up by Brandi, see C. Scott Dixon, "Charles V and the Historians: Some Recent German Works on the Emperor and his Reign," *German History* 21:1 (2003): 104–124.

[226] Brandi, *The Emperor Charles V*, 198.

Spanish servants and officials. In truth, Charles' court between the years 1522 and 1543 was infused with a large Spanish constituency. Brandi also failed to note that from after 1543 until his abdication in 1555, Charles' itinerant court reflected the continental and multicultural nature of his dynastic empire consisting of Spaniards, Native Americans, Austrians, Germans, Italians, Flemings, and Burgundians. When he departed Spain in 1543, Charles reorganized his household in order to prepare for an extended campaign of almost fourteen years, a campaign in which he visited all his European jurisdictions.[227]

Marriage Negotiations

As concerns the first decades of his reign the sessions of the 1523–1524 Cortes were especially important, because these talks determined Charles' hispanicization of his household, *la casa y corte*. These meetings between Charles and the city representatives resolved two critical problems: whom Charles should marry and where the king of Spain should live. At the 1523 Cortes the *procuradores* enumerated 105 petitions for Charles. In the first, the *procuradores* instructed him to find a bride, in particular the princess of Portugal, and in the second they stipulated that he had to reside in Spain.[228] The *procuradores* to the Cortes were well aware of earlier attempts by Spanish prelates to set up negotiations between Charles and the king of Portugal. In 1516, just after Fernando of Aragon died, the archbishop of Seville, Diego de Deza, wanted to send his nephew, Juan Tavera (who became the president of Castile), on a mission to Portugal in order to initiate marriage plans between the daughter of the king of Portugal and Charles. Apparently Deza failed. Another opportunity to lessen the long tension between Castile and Portugal arose later. In December 1521, the king of Portugal (Manual I, who had married Charles' sister, Leonor, in 1519) died, and a settlement had to be made between Charles and the new king of Portugal,

[227] For the *relación* showing the management changes of his court in 1543, see Fernández Conti et al., ed., "Roolle des seigneurs, gentilzhommes, offi[c]iers et autres personnes…" 5:212–260; transcription based from IVDJ, 25–1–25, fols. 78r–ss. For a comprehensive list of Charles' Burgundian staff, see idem, "Lista…casa de Borgoña," 5:7–47. Charles also appointed Burgundians to court positions for his campaign of 1535–1536.

[228] CLC, 4:365–366.

Juan III.[229] Adrian of Utrecht sent Juan Tavera to Portugal, which set in motion two marriage contracts: one between Charles and Isabel of Portugal (the sister of Juan III), the other between Juan III and Catalina (Charles' sister, raised in Spain with their mother, Queen Juana).[230] Juan III married Catalina in 1524, but Charles procrastinated.[231]

By 1524 the cities of Castile were not satisfied with only one marriage. A year into the reform of the household by Charles, the cities sent their representatives to evaluate the king's performance. At the session of the Cortes in 1524, the agenda was not to announce new petitions, but to emphasize those that the cities felt had not been addressed. The monarch's spokesman at Cortes, Gattinara, told the cities that their claims had been heard and delivered to the proper committees. The monarchy, he said, appointed two accountants, Cristóbal Suárez and Alonso Gutiérrez de Madrid, to handle the cities' specific demands, in particular to go about the reestablishment of the tax method of *encabezamiento*.[232] Charles then personally addressed the *procuradores* assembled in Valladolid, telling them that French mobilizations in northern Italy required the deployment of Spanish armies and an increase of funds. The king used defensive arguments as his point of departure for soliciting additional money from the cities. He claimed that his struggles in Milan could be converted into a campaign to defend the faith by using the imperial troops stationed in Italy to confront the enemies of Christianity, the Turks.[233] Charles believed that the Castilian cities would approve of a military campaign directed against their enemies, namely the Turks who attacked Spanish possessions and commerce.[234] Charles would theoretically use his armies in Tuscany to fight the Turks. Charles pleaded his case that additional *servicios* were thus essential to subsidize

[229] TIE, ed. Antonio Truyol y Serra et al., 6 vols. to date (Madrid: CSIC, 1978–), 1:20–36.

[230] Salazar y Mendoza, *Crónica Juan Tavera*, 67–69.

[231] TIE, 1:125.

[232] AGS, Patronato Real, leg. 70, fol. 9, 90.

[233] "…provocado por su justa defensión y por repelir las injurias que el rey de Francia quería hazer y reparar los daños hechos…para poder mejor enplenar las armas más contra los infieles." Charles to the *procuradores*, Valladolid, 3–4 Aug. 1524, AGS, Patronato Real, leg. 70, fol. 9, 71–92. In Castañeda's minutes of the sessions of the Cortes, the complaints of the *procuradores* are in 71–82; 82–92 contain Charles' responses.

[234] For the problem of Muslim and Turkish piracy in the western Mediterranean, see Aurelio Espinosa, "The Grand Strategy of Charles V (1500–1558): Castile, War, and Dynastic Priority in the Mediterranean," *The Journal of Early Modern History* 9:3–4 (2005): 239–283.

his inheritances in a just war "with honor and reputation." The delicate situation for the *procuradores* was that Charles' dynastic predicaments in the German empire complicated the urgent implementation of accords already agreed upon by the cities. The cities remained quite skeptical; even if Charles planned on a just war, they feared, the strategy was not feasible. The cities were quite practical or at least much more concerned about domestic problems and matters. Besides Charles' requests, the *procuradores* wanted to resolve three financial reforms before the adjournment: the *encabezamiento* accord, lodging reforms (*posadas*) that would affect the king's requirement to stay in Spain, and devaluations. In short, the *procuradores* did not give Charles the option of leaving Spain, and instead told him to continue in his duty as the king of Spain. The fact that Charles had not finalized a marriage with the princess of Portugal made the members of the Cortes unsympathetic to any of his pleas, much less to his foreign policies. Charles had hoped that he could reassure the cities with a marriage proposal between the king of Portugal and his sister, securing, he claimed, peninsular peace and prosperity through a union with Portugal. Once again, the *procuradores* informed Charles that the model he should emulate was the policy established by Fernando and Isabel, marriage bonds that engendered peace and facilitated the conquest of other territories.[235] This proposal of marriage was not what they wanted to hear.

The cities of Spain were entrenched in peninsular matters, and they were less interested in reversing French advances in Italy (or even the slight possibility that imperial forces could be directed toward the Turk) than they were in the resolution of their petitions specifying domestic reforms. Displeased with the suspension of the Cortes, the *procuradores* reminded their monarch of how the communities had already endured horrendous combinations of war, famine, and pestilence. The cities' protective tactic of highlighting defensive policies and agricultural afflictions made them deaf to the king's pleas and rationalizations.[236]

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[235] The *procuradores* reminded Charles of how Fernando and Isabel established peace with Portugal: "los reyes católicos que eran tan prudentes y espertos cuyo ejemplo se deve siempre tomar obieron por bien de ayudar por casamiento con los reyes y príncipes de Portugal…y por causa de la paz que por el dicho deudo resultó sosegaron e pacificaron estos sus reynos y tuvieron lugar de ganar otros." AGS, Patronato Real, leg. 70, fol. 9, Valladolid, 8 Aug. 1524, 87, "lo que dijieron los procuradores."

[236] During the years 1521–1522, Andalusia endured a devastating sequence of harvest failures and famines. The crown provided tax-exemptions for Andalusian cities. AGS, Estado, leg. 10, fol. 277, Charles to the *contadores mayores*, "que libren a la ciudad

Charles, the *procuradores* claimed, had already given his word that he would implement policies. On their list, the *procuradores* had covered a full range of municipal grievances that they believed had been the accepted terms of their previous unfulfilled contract with Charles. The representatives reminded Charles of the specific reforms he had promised to deliver: to prohibit imports of finished silk goods (*bordados dorados sedas*) and to enforce bans against gambling. The city representatives were conservative urban elites, holding tightly to age-old notions of justice and sumptuary laws. They were particularly upset that *corregidores* and royal judges continually failed to enforce traditional sumptuary laws; they objected in particular to the fact that merchants were granted royal licenses to sell silks indiscriminately and cheaply, promoting an availability of luxury items that harmed the common good by blurring accepted social and economic inequalities.[237] The representatives indicated the degree to which the appeals courts remained undependable. Charles, they insisted, had to continue with the reforms of his house and royal institutions: ordering audits of judicial offices, ensuring that appeals went to the chancery of Valladolid or Granada and did not end up at the Council of Castile, bringing to a close the sale of tax-exemptions (*hidalguías*), mandating clothing requirements for royal officials, enforcing sentences of convicted judges, writing to the pope to set up jurisdictional limits on ecclesiastical judges, preventing monasteries and convents from acquiring real estate, prohibiting foreigners from obtaining Spanish offices and benefices, and mandating that royal officers and judges have legitimate degrees from Salamanca and Valladolid.[238]

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de Sevilla en las rentas del almorxarifazgo en 1522, le haze merced para ayudar de remedio de sus necesidades sobre la hambre y falta de pan."

[237] "en el traer de la seda…no dar licencía desenfrenada a quales quier personas para que hechen y gasten sobre si sin caudales y haciendas y para que haya tanta igualdad enestos vuestros reynos entre personas que son tan desiguales." The *procuradores* to Charles, Valladolid, 4 Aug. 1524, AGS, Patronato Real, leg. 70, fol. 9, 80.

[238] "…enestos reynos se han robado e roban cada dia por los juezes notarios apostólicos y llevan derechos ad su advitrio e voluntad sin tasa en aranzel. VM se ofrescío a lo prober y si menester fuese escribir al papa sobre ellos lo qual no se ha hecho…por leyes e por cortes VM ha prometido no dar beneficios eclesiásticos ni otros oficios a estanjeros esto no se guarda y sin se dan iglesias ni beneficios eclesiásticos a estranjeros danse rentas y pensiones de ellas que es mayor inconveniente a darse las misma iglesias y beneficios porque no sirviendo en la espiritual se llevan lo temporal." The *procuradores* to Charles, Valladolid, 4 Aug. 1524, AGS, Patronato Real, leg. 70, fol. 9, 81–82.

During the sessions of Cortes in 1524, two perceptions of policy clashed: Charles believed he had made major steps toward installing himself in Spain (and would thus be able to capitalize on Spanish funds for his imperial projects), while the *procuradores* to the Cortes remained skeptical of Charles' domestic reforms. Whereas the *procuradores* complained of royal inactivity, Charles claimed he had already effected the resolution of twenty of their petitions. Charles pointed out that he had implemented many municipal prerogatives: he imposed silk restrictions and began to look into monetary reforms, appointed well paid and lettered officials to investigate royal prosecutors, appointed the sons of knights to serve in his household, and ordered that lawsuits end up in the appeals courts.[239] The cities were now free to interrogate traveling salesmen of indulgences, allowing entrance only to those preachers and ecclesiastical agents of the crusade who had authorized documents. Charles claimed that tax exemptions had not been sold, and that he had addressed the problem of the immunities of ecclesiastical judges. As for the purchase of lands by monastic houses, royal decrees had been sent out making such sales illicit. Still, the *procuradores* were not content with Charles' one-year effort of reforms and insisted that he continue with the work he had only just begun.

After another year, the cities had lost their patience and demanded that the monarchy immediately address one of their most pressing concerns. The *procuradores* to the 1525 Cortes told Gattinara that they would greatly appreciate it if Charles would marry the princess of Portugal, Isabel.[240] Charles had to weigh this against his relationship with Henry VIII, especially in the light of the treaty established in 1521, in which Charles promised to marry Mary, the daughter of Henry.[241] More than international peace and nothing less than the future of the Spanish monarchy was at stake.

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[239] AGS, Estado, leg. 12, fol. 227, *casas de moneda* to Charles, Cuenca, 14 July 1524, "pareceres de las casas de moneda de Sevilla y Cuenca para que no se pueda sacar la moneda de estos reynos"; and Estado, leg. 12, fol. 228, *casas de moneda* to Charles, Seville, 4 Aug. 1524.

[240] AGS, Patronato Real, leg. 70, fol. 9, Toledo, 2 June 1525.

[241] For a discussion of Charles' marriage to Isabel as the beginning of animosity with Henry VIII, see Federico Chabod, "Carlos V y su imperio," in *Carlos V y su imperio*, trans. Rodrigo Ruza (Madrid: Fondo de Cultura Económica, 1992; 1940), 11–188, 29–30; Aude Viaud, *Correspondance d'un ambassadeur castillan au Portugal dans les années 1530: Lope Hurtado de Mendoza* (Paris: Publications du Centre Culturel Calouste Gulbenkian, 2001), 89–93, 105–109.

At the time there were concerns that Charles would seek an English alliance rather than the peninsular security that a marriage bond between Castile and Portugal would supposedly ensure. The situation for Castilians had grown intolerable and Charles finally realized that he could no longer postpone his decision. Two weeks after the *procuradores* laid out Charles' marriage plan, Gattinara affirmed their request.[242] The *procuradores* then offered Charles a subsidy of 150 million *maravedís* in four years.[243]

A past co-regent of Spain during the civil wars, the admiral of Castile, articulated the widespread concern—as well as the relief—that Charles had decided to marry Isabel of Portugal.[244] As part of the marriage settlement with the king of Portugal, Charles would receive 876,000 ducats, which did not include debts owed to the Portuguese or the income Charles had to give to Isabel.[245] Charles gave her royal towns producing a yearly income of over 36,000 ducats and a supplement of 9,733 ducats from the revenues of the *almoxarifazgo* of Seville.[246] The queen received the sales taxes (*alcabalas*), two-ninths of the tithe (*tercias*), and other municipal annuities (*yantares* and *martiniegas*) of the cities of Soria and Alcaráz, and the towns of Molina, Aranda, Sepúlveda, Carrión, Albacete, San Clemente, and Villa Nueva de la Jara. Charles in turn received a dowry of precious metals, pearls, and jewelry (which he sold to his creditors).[247]

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[242] AGS, Patronato Real, leg. 70, fol. 58.

[243] AGS, Patronato Real, leg. 70, fol. 9, Toledo, 17 June 1525.

[244] AGS, Estado, leg. 13, fol. 284, the admiral to Charles, [1525].

[245] Javier Vales Failde, *La emperatriz Isabel* (Madrid: Tipográfica de la Revista de Archivos, Bibliotecas y Museos, 1917), 129. The amount specified is "900,000 doblas de oro castellanas de 365 maravedís cada dobla." Karl Brandi postulated a dowry of one million ducats. "Eigenhändige Aufzeichnungen Karls V aus dem Anfang des Jahres 1525," *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen. Philologisch-Historische Klasse* (Berlin: Weidmannsche Buchh, 1933), 219–260, 256–260. For the political significance and economic value of dowries, see Ivana Elbl, "The Elect, the Fortunate, and the Prudent: Charles V and the Portuguese Royal House, 1500–1529," *Young Charles V, 1500–1531*, ed. Alain Saint-Saëns (New Orleáns: University Press of the South, 2000), 87–111.

[246] AGS, Estado, leg. 14, fols. 9–10, Granada, 1526, "copia de la donación que el emperador hizo a la emperatriz de ciertas villas y lugares del realengo." The *almoxarifazgo* was the Arabic tribute based on commercial transportation.

[247] AGS, Estado, leg. 14, fols. 193–215, undated. For the financial arrangement, see Estado, leg. 14, fol. 167, Granada, 15 Nov. 1527, Charles to Juan de Adurza, "pagueys a Agostín de Grimaldo e Estaván Centurion, Ginoveses estantes en esta corte, 20,000 ducados."

The Household Upstairs

The Empress arrived in Spain with her own household, but increasingly she incorporated Spaniards into both her downstairs household and upstairs chamber and bedroom.[248] From 1526 to 1528, Ruy Téllez de Meneses, as Lord High Steward (*mayordomo mayor*), supervised the entire staff and handled all palace arrangements.[249] The Portuguese grand chamberlain (*camarera mayor*), Guiomar de Melo, relied on the services of chamberlains (*camareras*), who included Leonor de Castro y Meneses and Isabel Hernández de Magallanes; she also supervised the chambers above stairs, in particular the bedroom.[250] The *camareras* of Isabel's court fell under three categories of women: married ladies in waiting (*damas*), unmarried maids of honor (*doncellas*), and widows such as Ángela Fabra, the countess of Faro. Isabel's *camareras* included Portuguese *damas*, Guiomar de Castro, Leonor de Melo, and Juana Manuel, as well as Castilian *damas* Juana de Castro, Juliana Ángela de Aragón (countess of Haro), Mencía de Mendoza (marquess of Cenete), María de Mendoza, and Leonor de Mascareñas.[251] *Camareras* depended on a crew of chamber servants (*mozos de cámara*), valets (*pajes*), female assistants (*mozas de cámara*), bedroom assistants (*reposteros de estrado*), maids, nurses, and cleaners.

The Downstairs and the Stables

Isabel lived nomadically and her court was nomadic, a caravan *al morisco*,[252] with thousands of possessions hauled by mules and in the

[248] AGS, Contaduría Mayor de Cuentas, Primera Época, leg. 465, relación de Sánchez de Bazán; Casas y Sitios Reales, leg. 67, fol. 3.

[249] María del Carmen Mazarío Coleto, *Isabel de Portugal, emperatriz y reina de España*. (Madrid: CSIC, 1951), 79. Presumably, Mazarío Coleto encountered the same problem I had when looking at the archival evidence. Apparently, archivists, either in the 18th or 19th centuries, decided to rearrange many of the documents associated with Isabel and her court into legajo 26, and thus they took the folios out of their chronological order. Since many of the folios in legajo 26 are undated, it is very difficult to gauge when many of the reforms and changes took place. However, the major dates of reform took place in 1526, 1528, and 1534–1535.

[250] AGS, Estado, leg. 12, fols. 296–297, "oficios de la reyna de Portugal [Leonor, Charles' sister] y infanta Catalina"; Fernández Conti et al., "Lista por casas y cargos de los servidores de las casas reales: casa de la emperatriz Isabel," 5:88–99, 90.

[251] Mazarío Coleto, *Isabel de Portugal*, 84.

[252] Regarding this Arabic way of life among the Spanish royalty, see Vicente Lampérez y Romea, "Los palacios de los reyes de España en la Edad Media," *Arte español*, 13 vols. (Madrid: Sociedad Española de Amigos del Arte, 1914), 2:213–335.

custody of accountants and stewards.[253] She had a team of purveyors (*aposentadores*) who made household arrangements, locating a residence and procuring wheat and perishables. Moving from one location to another, she managed the household and governed the royal patrimony.

Isabel depended on a staff of keepers, treasurers, and transportation crews who were subordinate to the administrative staff. She had a keeper of arms (*repostero de armas*), a sergeant at arms, a clerk of accounts receivable (*veedor de hacienda de la casa*), a paymaster (*contador mayor de despensa y raciones*) and his clerks, two accountants and one clerk who recorded revenues (*contadores mayores* and *teniente de contador mayor*), the master of the stable (*caballerizo mayor*), the master of the mules (*azemillero mayor*), and a range of palace guards and gatekeepers (*hombres de cámara, porteros de cámara, porteros de cadena*).[254] The below stairs household consisted of four masters of the kitchen and table (*maestresalas*), dining room porters, keeper of the silver (*repostero de la plata*), purveyor of wine and food (*despensero mayor*), cooks and chefs, and kitchen and dining servants (*reposteros*).[255]

Additional servants of the court of Isabel included a medical staff.[256] Isabel brought with her from Portugal Gregorio Silvestre Rodríguez de Mesa, her personal physician, but upon her arrival in Spain she relied on additional doctors: Diego de Cevallos and Juan Rodríguez.[257] A team of pharmacists supplemented the medical staff.[258] When Charles departed for the German empire in 1529, Spanish doctors such as

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[253] For supervision of royal possessions, see AGS, Cámara de Castilla, Libros de Cédulas, libro 318[2], libro misivo de la emperatriz, 18 March 1529–15 April 1530, 61, "sobre Isabel Fernández, mi ama y camarera, tuvo cargo de todas las coasa de mi casa." For mule contracts, travel expenditures, consumption costs, room and board, household support, charges, and commodities, see Escribanía Mayor de Rentas, leg. 26, fols. 303–403, 1527–1529.

[254] For the range of offices of Isabel's court, see AGS, Estado, leg. 14, fol. 178, 12 Oct. 1526, Granada; Estado, leg. 26, fols. 104–114. For expense accounts, see Estado, leg. 26, fols. 131–136. For salaries and nominations, see Estado, leg. 26, fols. 137–138. For appointments of aristocrats to serve in her court, see Estado, leg. 26, fol. 139.

[255] Many of these servants requested *mercedes* after years of service. For lists of requests from these men and women, see AGS, Estado, leg. 14, fol. 5. For a list of offices of the household below the stairs, see Fernández Conti et al., "Lista…casa de la emperatriz Isabel," 5:88–99. For a list of Philip's English court, which has the English categories of the chamber and household offices, see idem, "Lista por casas y cargos de los servidores de las casas reales: casa inglesa del príncipe Felipe," 5:115–118.

[256] For a partial list, see idem, "Lista…casa de la emperatriz Isabel," 5:90.

[257] Ibid., 5:94.

[258] AGS, Estado, leg. 14, fol. 5.

Villalobos and Alfaro remained with Isabel and the *infantes* Philip and María.[259]

The Empress arrived in Spain with chapel personnel under the direction of the bishop of Oporto, Pedro Álvarez de Acosta. As grand chaplain (*capellán mayor*), Álvarez had a small crew of over twelve chaplains, a sacristan, a dean, an almsgiver (*limosnero*), ten singers, sixteen acolytes (*mozos de capilla*), keepers of the chapel (*reposteros de capilla*), porters, and organists.[260]

After their honeymoon in Granada during the summer of 1526, Charles and the Empress headed north toward Valladolid: the journey further consolidated the royal presence in Spain.[261] They arrived in January of 1527, staying at a palace of the count of Benavente. In Valladolid, Isabel became a Spanish queen by giving birth to Philip.[262] Isabel named two Spanish grandees, the constable of Castile and the duke of Béjar, and Charles' grand chamberlain, Henry of Nassau, who had married the marquess of Cenete in June 1524, as Philip's godfathers (*compadres*). The count of Benavente and the duke of Alba were witnesses. The archbishop of Toledo administered the sacrament of baptism. In one of her acts of gratitude for Philip's birth, Isabel gave Charles a list of *comuneros* to be pardoned.[263]

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[259] Philip was born on 21 May 1527; María on 21 June 1528. Regarding María's birth, see AGS, Estado, leg. 16, fol. 432, Dr. Alfaro to Charles, Madrid, 22 June 1528.

[260] AGS, Estado, leg. 26, fol. 114, fols. 122–123; Mazario Coleto, *Isabel de Portugal*, 79.

[261] For a list of councilors, see "Capitulaciones matrimoniales de Carlos V e Isabel," Toledo, 24 Oct. 1525, CDCV, 1:100–115, 114–115. For the Portuguese court of the Empress, see Gonzalo Fernández de Oviedo y Valdés, "Relación de lo sucedido en la prisión del rey de Francia…hasta que el emperador le dió libertad," CODOIN, 38:404–529, 424–425. For an analysis of Isabel's Portuguese court and her belongings, see María José Redondo Cantera, "Formación y gusto de la colección de la emperatriz doña Isabel de Portugal," in *El arte en las cortes de Carlos V y Felipe II*, ed. Centro de Estudios Históricos Departamento de Historia de Arte 'Diego Velázquez' (Madrid: Alpuerto, 1999), 225–236; cf., Jorge Sebastián Lozano, "Choices and Consequences: The Construction of Isabel de Portugal's Image," in *Queenship and Political Power in Medieval and Early Modern Spain*, ed. Theresa Earenfight (Burlington: Ashgate Publishing Company, 2005), 145–162.

[262] For thesis of the hispanicization of the monarchy, especially with the birth of Philip, see Félix Labrador Arroyo, "La casa de la emperatriz Isabel," in *La corte de Carlos V*, 1:234–251, 235.

[263] For Isabel's list of pardoned *comuneros*, see AGS, Estado, leg. 15, fol. 7.

The Regency (1529–1532) under Empress Isabel and President Tavera

In 1528 Isabel's court became even more Spanish; the three phases of the hispanicization process came to an end. The first phase of the rationalization of the court, the second phase of the comprehensive appointment of Spaniards to protect the king, and the third phase of securing a Spanish dynasty in Spain allowed Charles to reactivate his imperial strategy, which required his absence from Spain. By now, Charles had decided to depart for the German empire, so a separate administrative staff had to be established.[264] Isabel's household moved repeatedly, requiring a team of caretakers and administrators to look after the royal family needs.[265] Changes to the court in 1528 benefited a group of President Tavera's allies. The lord high steward (*mayordomo mayor*) took charge of palace arrangements and had control over the entire upstairs and downstairs staff; the count of Miranda (Francisco Zúñiga y Avellaneda) held this office until his death in 1536.[266] Miranda's assistant (*teniente del mayordomo mayor*) was his cousin, Iñigo de Zúñiga. The comptroller (*contador de hacienda*), Juan de Zúñiga, supervised the court's consumption of victuals, meats, wine, and other necessities. Three masters of the household (*maestresalas*) were also nobles who ensured that subordinates downstairs fulfilled their duties, and that they maintained a well-disciplined staff.[267] Isabel's court also included a new cast of *damas*, who included a sister of the duke of Albuquerque, a daughter of the marquis of Aguilar, two daughters of the count of Osorno, two daughters of the count of Palma, a daughter of Secretary Cobos, and a daughter of the marquis of Villafranca.[268]

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[264] For the "reformación de la casa de la emperatriz," see AGS, Estado, leg. 16, fols. 496–497, the count of Miranda to Charles.

[265] For a comprehensive list, see Fernández Conti et al., "Lista . . . casa de la emperatriz Isabel," 5:88–99.

[266] AGS, Estado, leg. 26, fol. 143, March–April [1528]; Fernández Conti, "Zúñiga y Avellaneda, Francisco de (III conde de Miranda)," 3:472–476.

[267] They were Iñigo Manrique, Luis Pacheco, and Diego Osorio (AGS, Estado, leg. 26, fol. 143, March–April [1528]; Estado, leg. 16, fol. 431, count of Miranda to Charles, 5 June 1529). The *aposentador mayor* (chief surveyor of the household), Miguel de Velasco, relied on a staff of over ten *aposentadores* to find housing for the non-salaried staff and courtiers. Domínguez Casas argues that *aposentadores* and the *aposentador mayor* traveled to a designated muncipality in order to announce the arrival of the royal court and to find "alojamiento para los cortesanos." Domínguez Casas, *Arte y etiqueta de los Reyes Católicos*, 233–234. For additional household appointments and their respective salaries, see Estado, leg. 26, fols. 104–106.

[268] AGS, Estado, leg. 26, fol. 143, March–April [1528]; cf. Estado, leg. 26, fol. 139, "mujeres principales."

As he was preparing to leave Spain, Charles formed a new council to assist the Empress in governing Castilian towns given to her in 1526.[269] To serve on this Council of the Empress, Charles brought together several of Tavera's associates. He appointed the bishop of Zamora, Francisco de Mendoza, to the presidency of the Council of the Empress; Bishop Mendoza was a close ally of Tavera and one of Charles' financial negotiators.[270] Two out of the three councilors chosen for the Empress' Council were also Tavera associates: Dr. Hernando de Guevara of the Council of the Inquisition, and Fernando de Valdés, the future president of the Council of Castile (1539).[271] The other councilor of the Council of the Empress was Antonio de Luján, a councilor of the Council of the Military Order of Santiago and past judge of the Chancery of Valladolid during the reign of Fernando of Aragon.[272] The secretary, Pedro de Quintana, worked in close contact with two new appointees recruited by Tavera (Dr. Pedro Ortiz and Licentiate Mogollón), along with senior councilors of the Council of Castile (Pedro Manuel and Pedro de Medina), and Juan Vázquez de Molina of the *cámara de Castilla*.[273]

It was essential that Charles' administration remain united during his absence. One of the best ways to ensure the cooperation of this large constituency was to let the dominant party, Tavera's network, establish its control and consolidate power. When Charles left Castile on April 23, 1529, he wanted people to trust his provisions for Castile. Most of the bishops were aligned with Tavera, and the judges of the appellate courts too had a vested interest in Tavera's administration. Tavera was the leader of two generations of university-trained jurists, as well as a

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[269] AGS, Estado, leg. 16, fols. 449–450, Madrid, 20 April 1528; Patronato Real, leg. 26, fol. 18, Toledo, 8 March 1529. For correspondence between the king of Portugal, Charles and Isabel during the 1528–1532 regency, see Aude Viaud, *Lettres des souverains portugais a Charles Quint et à l'Impératrice (1528–1532) conserves aux archives de Simancas* (Paris: Centre Cultureal Calouste Gulbenkian, 1994).

[270] AGS, Estado, leg. 16, fol. 450, Madrid, 20 April 1528, "nombramientos de personas." For Tavera's support of Francisco de Mendoza, see AGS, Estado, leg. 16, fol. 492, Tavera to Charles, Madrid, 13 May 1527?; Estado, leg. 29, fol. 182, Tavera to Charles, 4 April 1534.

[271] AGS, Estado, leg. 16, fol. 450, Madrid, 20 April 1528, "nombramientos de personas."

[272] For Luján, see Pizarro Llorente, "Luxán, Antonio de," 3:251–253.

[273] For the cooperation among these advisors and councilors, see AGS, Estado, leg. 15, fol. 53, Madrid, 13 May 1528. For Tavera's support of Ortiz, see Estado, leg. 16, fol. 435, Tavera to Charles, Madrid, April 1528; Estado, leg. 20, fol. 136. For Tavera's support of Mogollón, see Estado, leg. 14, fol. 249.

hierarchy of prelates, and he had recruited a cast of lawyers—all working for the Castilian monarchy. Many of the newcomers had obtained their positions with Tavera's full support. Certainly they all had their own livelihoods to ensure, but they were tied together by the concerns of the crown to preserve the economic and political gains it had made since the civil wars. These newcomers also saw that Charles had forged a Castilian government of Castilians. The king had an Iberian queen, a Castilian heir, and a new child about to be born. The Empress and Tavera had separate households, but they lived, worked and moved together as the caretakers of the royal patrimony, well aware that Charles was about to engage in a new phase of imperial responsibilities. Charles wanted the Empress, her staff, and Tavera's bureaucracy to share the responsibilities of dealing with the many problems that would arise, from feuds to financial negotiations. In fact, the first scandal that Tavera and the Empress had to deal with was the elopement of two young nobles whose parents had selected other partners for them.[274] This love entanglement was only one of the many domestic and foreign affairs problems that Tavera and the Empress resolved in the king's absence. These also included the conflict between the admiral of Castile and the constable of Castile, the inheritance battle of the house of the deceased duke of Béjar, the contest between the count of Benavente and his appointed guardian, Benavente's subsequent alliance with the marquise of Astorga, the duchess of Medina Sidonia's (Ana de Aragón's) request for the dissolution of her marriage to the impotent duke, the difficulty in obtaining funds from the cathedral chapters, the frequency of Muslim piracy, the crown's inability to generate monies necessary to supply royal fortifications and galleys, and the struggle to provide Charles' creditors with cash.

Since his return to Spain in 1522 Charles had entertained the hope of concluding his imperial campaign with a papal blessing, but the *comunero* revolution had changed everything, delaying Charles' return to Italy until August 1529. Nevertheless, he continued to talk about his plans to see the pope in order to settle the division of the Habsburg

[274] AGS, Estado, leg. 16, fol. 468, Tavera to Charles, Madrid, 21 May 1529? For an analysis of the scandal, see Aurelio Espinosa, "Early Modern State Formation, Patriarchal Families, and Marriage in Absolutist Spain: The Elopement of Manrique de Lara and Luisa de Acuña y Portugal," *Journal of Family History* 32:1 (January 2007): 1–18.

dynasty between himself and Ferdinand of Austria.[275] By the time Charles was able to mobilize his imperial campaign in 1528 he had employed strategies of management and state formation in order to forge his dynasty with the future of the Spanish empire of cities and royal towns.

Charles realized that the process of negotiation between ruler and subjects was central to the formation of his monarchical state and to the revitalization of the Spanish empire. With Castile showing the way, Charles took control of the institutions of justice, using reform mechanisms he applied to his other jurisdictions. The glue of authority holding the Spanish empire together was justice, and nothing was as important as the provision of judicial institutions supported by an executive dedicated to peer review and procedures of self-reform. As a reformer of justice and law, Charles was much more like Justinian than Augustus. Initially, he had made one strategic mistake, introducing Burgundian patronage politics to Spain—a failed policy that opened the door to parliamentary accords that established a governmental meritocracy. But he soon acquired leadership skills, implementing changes requested by his subjects. Charles thus employed five strategies: he consolidated a large constituency of aristocratic vassals by providing them with requested privileges, built a constitutional platform for negotiating tax privileges and formulating domestic reforms, rationalized and hispanicized the executive by dividing it into councils with distinct competencies, reformed the judicial bureaucracy by establishing procedures of appointment standards and a system of audits, and reorganized the household by eliminating the patronage politics introduced by the Burgundians, establishing a Castilian dynasty under the supervision of the Empress, President Tavera, Secretary Cobos, and their associates.[276]

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[275] Juan Antonio Vilar Sánchez, "Dos procesos dinásticos paralelos en la década de 1520: Carlos V y su hermano Fernando I," *Hispania* 60:3 (2000): 835–852. For coverage of his reign, see Alfredo Alvar Ezquerra, ed., *Socialización, vida privada y actividad pública de un emperador del renacimiento, Fernando I, 1503–1564* (Madrid: Sociedad Estatal de Conmemoraciones, 2004); Rudolf et al., *Fernando I*; Alfred Kohler, *Ferdinand I. 1503–1564: Fürst, König und Kaiser* (Munich: C.H. Beck, 2003); Laubach, *Ferdinand I.*

[276] Carlos Morales dates the beginning of this "régimen polisinodial" under Tavera and Cobos when Charles prepared for his imperial journey of 1528. Carlos Morales, "El régimen polisinodial bajo la égida de Cobos y Tavera," in *La corte de Carlos* V, 2:43–49.

The subsequent chapter on the bureaucracy will advance the thesis of the development of a meritocracy; it will demonstrate how Charles and Tavera successfully employed the strategy of judicial reconstruction based on accountability and procedures of self-regulation. While this chapter (III) looked at the reform of Charles' Spanish conciliar system and household, Chapter IV will show exactly how Charles established procedures of audits, rotation, and merit-based appointments to judicial posts. Examining the bureaucracy, Chapter IV will also describe how President Tavera became the most powerful statesman and ecclesiastic of the Spanish empire, through his managerial abilities and dedication to the principles of good government articulated by the *procuradores* to the Cortes. In effect, the Spanish monarchy, in association with the Cortes, clerical elites, and the aristocracy produced equilibrium, constituting a republican system of local rule and a check-and-balance mechanism between the monarchy, the aristocracy, and the parliamentary plenum that Tacitus (one of Tavera's classical sources) believed to be the great achievement of the Roman Republic.[277]

[277] For Tavera's book collection, see Archivo Hospital Tavera, leg. 134, s.f., Inventario, Valladolid, 22 Sept. 1545.

CHAPTER FOUR

JUDICIAL REFORM AND THE NATURE OF EARLY MODERN GOVERNMENT AS A SYSTEM OF COURTS

In Castile the political forces lobbying for governmental reforms, especially during the 1520s and 1530s, advanced domestic policies that the executive implemented with assiduous attention to the details of institutional improvement. The monarchy developed management programs as strategies of state conservation; it had developed a parliamentary 'conscience' through its administrative transformation and its implementation of reform policies formulated by the parliament. The Castilian republics acted on three guiding principles: first, to preserve the traditional Spanish emphasis on communal cooperation through the Cortes; second, to protect the democratic prerogatives of city and town councils; and third, to defend and perpetuate the Spanish global axis of commerce and urban expansionism, which benefited commercial centers.

Castilian constitutionalism (not wanting to confuse here Renaissance concepts with anachronistic and presentist values) was a system of institutional and legal controls advanced by the Cortes and articulated by the city and town republics.[1] The *comunero* program of state reconstruction and the 1523 Cortes platform of judicial reform had a historical trajectory. Policies hammered out by the administration in the 1520s supported Charles' imperial career and allowed for Spanish globalization under the supervision of the new executive under President Tavera. As already demonstrated, Charles reformed the executive, 'downsizing' and hispanicizing it simultaneously. Although Charles did not have to hispanicize the *chancillerías* of Granada and Valladolid (the royal appellate courts above the *corregimientos*; see Fig. 2), he institutionalized the mechanisms of justice and implemented qualitative procedures of management efficiency.[2] Charles fortified judicial institutions by

[1] See the article by Joan Pau Rubiés, "La idea del gobierno mixto," 61. The author, however, does not extend such traditions to the crown of Castile, isolating Renaissance political praxis within the crown of Aragon.

[2] See, for example, an analysis of the transformation of the appellate court of

permitting President Tavera to establish a network of qualified jurists and law graduates. Employing similar policies of selecting officials based on criteria formulated by the *procuradores* of the Cortes, Charles and his councilors rebuilt the chancery staffs and secured standards of recruitment. Charles, Tavera, and a handful of members of the Council of Castile thus reformed the judicial bureaucracy.

In order to describe in more detail Charles' and Tavera's reform program, this chapter contains five sections. The first section provides an overview of the royal appellate system. The second section covers the petitions of the Cortes that Charles and Tavera implemented in order to end what the cities (echoing on what the *comuneros* said about Charles' innovations) regarded as Burgundian patronage, and to initiate self-regulating procedures. The third section is an analysis of the evolution of President Tavera's network of personnel, who were appointed to the Chancery of Granada between the years 1524 and 1535. The fourth section is an analysis of Tavera's sponsorship of law graduates appointed to the Chancery of Valladolid. Tavera dominated the chanceries, as over fifty percent of the judges Charles appointed to the chanceries of Granada and Valladolid were Tavera associates. The third and fourth sections of this chapter also offer a review of candidates competing for chancery posts; these sections, therefore, provide a case-by-case study of the chanceries as meritocratic institutions. The last section, which considers the appeal of judicial positions, offers suggestions as to why judges were attracted to, and wanted to pursue, careers in law. Judges, I shall suggest, wanted to do something important in society, in addition to providing for their families. Sheer material gain was unfulfilling for men dedicated to higher principles such as pursuing justice and leading honorable lives.

The Appellate System

When Charles arrived in Spain in 1522 he faced an enormous task: the overhaul of the judicial system (see Fig. 4). In the network of royal courts

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Granada by Inés Gómez González, "La chancillería de Granada en tiempos del emperador: cambios y permanencia," in *Carlos V: europeísmo y universalidad, Congreso internacional, Granada, mayo 2000*, ed. Juan Luis Castellano Castellano and Francisco Sánchez-Montes González, 5 vols. (Madrid, Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001), 2:293–311.

alone the crown needed more than one hundred judges to be active at any given time (and this did not include the auditors). The Council of Castile was the highest appeals court and served to administer justice; it organized audits and supervised the lower courts of the king's judiciary.[3] With a majority of jurists, a handful of knights, and a president (always a prelate), the Council of Castile reviewed the petitions of the Cortes, handled select cases to establish precedent, received appeals from the chanceries and lords, and assisted the king in recruiting judges for four judicial bodies: the court of the royal household (*sala de alcaldes de casa y corte*), the chanceries of Valladolid and Granada, fifty-seven *corregimientos* (see Fig. 5), and the *audiencias* (appellate courts above the *corregimientos*) of Seville, the Canary Islands, Galicia, and those in the Americas.

The court of the royal household (*sala de alcaldes de casa y corte*) usually consisted of three judges (*alcaldes*) and only had jurisdiction within five leagues of the royal household. This *sala* was itinerant and handled cases that required an immediate resolution; the *sala's* jurisdiction was circumscribed by a distance of five leagues of the person of the monarch.[4] The chanceries of Valladolid and Granada handled appeals from individuals, town councils, and villages. The courts of Valladolid and Granada were also large metropolitan centers. The University of Valladolid produced jurists and lawyers, and the kingdom of Granada was at the core of a large demographic increase due to the conquest of that city state in 1492 and its repopulation by Christian immigrants.[5] The Chancery of Valladolid received appeals from jurisdictions north of the Tajo River, while Granada dealt with appeals south of the Tajo. Each of the two chanceries normally had twelve civil case judges, three to four criminal judges, two to three judges for *hidalgo* subjects exempted from paying the *servicios*, a pair of royal prosecutors (*fiscales*), and a prelate president.[6] In addition to the chanceries, Charles appointed a handful of appellate judges to handle cases in Seville (usually three

[3] *Novísima recopilación*, 6 vols. (Facsimile, Madrid: Imprenta Nacional del Boletín Oficial del Estado, 1992; 1805), 2:217 (lib. IV, tit. III, ley I).

[4] On three *alcaldes*, see AGS, Estado, leg. 14, fol. 231, *memorial* of Tavera [1525].

[5] On the transformation of Granada and the development of its institutions, see David Coleman, *Creating Christian Granada: Society and Religious Culture in an Old-World Frontier City, 1492–1600* (Ithaca: Cornell University Press, 2003), 73–82.

[6] For the prelate presidents of the chanceries between 1522 and 1535, see tables 3.1 and 3.2. In 1542, after an audit of the Chancery of Valladolid, Charles ordered the formation of an additional *sala*, which augmented the number of civil case judges from 12 to 16. See *Novísima recopilación*, 2:340 (lib. V, tit. I, ley III).

judges known as *los grados*), a threesome of jurists to deal with appeals in Galicia (known as the *alcaldes mayores de Galicia*), another threesome for the Canary Islands, which was the *audiencia* that Charles had established in 1525, and judges for the *audiencias* of Santo Domingo and Mexico.[7] Approximately sixty-four *corregidores* were appellate judges in royal cities and towns of the crown of Castile appointed by the king (seigniorial towns had their own judges, *alcaldes mayores*).[8] As already noted, *corregidores* were municipal magistrates with judicial, executive, and military functions, and represented the king's justice.[9] Just as the city council had a jurisdiction circumscribed by the city's own boundary, so the *corregidor* had no authority outside the city's lordship.

Charles reformed the Castilian chanceries of justice, one in the city of Granada, the other in Valladolid. The recruitment of judges formed the bulk of government appointments; it was a never-ending task.

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[7] For the reference to the *grados*, see AGS, Estado, leg. 13, fol. 166; Estado, leg. 14, fol. 249, 1526; Estado, leg. 15, fol. 19, "oficios de la governación de la justicia." For the *ordenanza* of 1525, which resulted from a *visita* of Suárez de Carvajal, see *Ordenanzas de la real audiencia de Sevilla* (facsimile, Seville: Ediciones Guadalquivir, 1995; 1603), 385–398. For Galicia, see Estado, leg. 19, fol. 193, the governor of Galicia and the *alcaldes mayores* (Licentiate Salamanca, Licentiate Romero, and Licentiate Esquivel) to the Empress, Santiago, Jan. 1530; Estado, leg. 26, fol. 19, Tavera to Cobos, 4 Feb. 153l. For the Canary Islands, see Estado, leg. 13, fol. 236, Madrid, 1525, *consulta* of the Council of Castile; Estado, leg. 14, fol. 242, Granada, 1526, *memoriales y consultas*; Estado, leg. 14, fol. 249, 1526: "En Canaria ha mandado VM poner tres juezes de apelación también se podra elegir en consejo si VM fuere servido." For the reforms of the *audiencia* of Santo Domingo, established in 1511, see Estado, leg. 14, fol. 232, "memorial del consejo de las Indias"; *Ordenanzas*, Monzón, 4 June 1528, CDI, ultramar, 25 vols., Serie 2 (Madrid: Sucesores de Rivadeneyra, 1864–84), 9:309–339. For the *audiencia* of Mexico, established in 1527, see *Recopilación de leyes de los reynos de las Indias*, 3 vols. (facsimile, Madrid: Imprenta Nacional del Boletín Oficial del Estado, 1998; 1791), 1:324 (lib. II, tit. XV, ley III); Pilar Arregui Zamorano, *La audiencia de México según los visitadores (siglos XVI–XVII)*, Instituto de Investigaciones Jurídicas, 9 (Mexico: Universidad Nacional Autónoma de México, 1985; 1981), 13–15. For reforms of the *audiencias* of Granada and the Canary Islands, see *Ordenanzas de la real audiencia y chancillería de Granada* (Granada: Diputación Provincial de Granada, Junta de Andalucía, Lex Nova, 1997; 1601), 85–86.

[8] I arrived at this figure of *corregidores* by comparing AGS, Estado, leg. 13, fol. 191, leg. 15, fol. 19, leg. 15, fol. 21, and leg. 16, fol. 424. For seigniorial jurisdictions, see Alfonso María Guilarte, *El régimen señorial en el siglo XVI* (Valladolid: Universidad de Valladolid, 1987; 1962).

[9] For seventeenth century administrative and judicial functions of *corregidores*, see Jerónimo Castillo de Bovadilla, *Política para corregidores y señores de vasallos en tiempo de paz y de guerra*, 2 vols. (Facsimile, Madrid: Instituto de Estudios de Administración Local, 1978; 1704), 1:13–19 [lib. 1, cap. 2]. See also the eighteenth-century jurist, Lorenzo de Santayana Bustillo, *Gobierno político de los pueblos de España y el corregidor, alcalde y juez en ellos* (Madrid: Instituto de Estudios de Administración Local, 1979).

Charles appointed judges trained in the law faculties of the universities of Salamanca and Valladolid, men known as *letrados*. *Letrados* were widely experienced and erudite lawyers who found careers as royal councilors and began as judges of the chanceries. Some of the jurists of the administration were *confesos* (Jews who had to become Christian in order to be legal residents in Spain), many were established Christians or *cristianos viejos*, and others were poor and deserving students who had been offered fellowships in the *colegios mayores*, the residence halls at the universities of Salamanca and Valladolid.[10] Law graduates earned judicial office regardless of their previous political association; selection was not based on their politics as *fernandistas* or *felipistas*, but on merit. If judges were wise and competent, it did not matter if they were *confesos*.[11] In effect, Charles put an end to the old factionalism by selecting judges because of their education, competence, and willingness to work together.

President Tavera was Charles' judicial conscience. Tavera and Charles held many ad hoc sessions (*consultas*) in which they reviewed candidates for vacancies, working together to forge a meritocracy. Tavera put into place management standards that required candidates to possess years of graduate work, fear of God, and untarnished experience in the law courts. These were the qualifications a judge had to accumulate in order to expect the *merced* of advancement or a salary supplement. Tavera handpicked *letrados* with impressive records, as well as graduates fresh out of the law schools of Valladolid and Salamanca. In Tavera's merit system, only experienced judges and law graduates with strong recommendations could compete for judicial openings.

By 1535 Tavera's associates dominated the two chanceries, the *chancillerías* of Valladolid and Granada. At least fifty percent of the chancery judges were members of Tavera's network. All of them had advanced degrees from the law faculties of Salamanca and Valladolid, all of them endured audits, and most of them experienced rotation to different assignments, whether as auditors or judges in *chancillerías*, *audiencias*, or in the administration.

With Tavera formulating auditing procedures, Charles reformed the *audiencias* of the Canary Islands, Galicia, Seville, and Santo Domingo.

[10] For an overview of the *colegios mayores*, see DHEE, 1:455–460.

[11] Although *confeso* appears in the evidence, scholarship has adopted the term *converso*.

He also established additional *audiencias* in the New World in order to deal with an increase in litigation and the distance from the Spanish mainland appellate courts (e.g., Seville). President Tavera and his associates used the audits of *audiencias* and chanceries as opportunities to employ judges and to rotate judges who had extended their stay. After an audit, for example, a number of judges were transferred or forced into retirement, and the replacements were often candidates who had Tavera's support. Sometimes the appointment was a recent graduate of law; at other times, the appointment was a judge who had gained a solid reputation. In effect, Charles and Tavera reformed the court system, recruited qualified judges, evaluated and audited judges on a continual basis, and forged a meritocratic system grounded in peer review and reciprocal loyalty.[12]

President Tavera helped Charles build a global judicial apparatus by developing four recruitment policies. First, Tavera recruited only Castilians. Second, he employed the criteria of educational background and unblemished performance. Third, he utilized audits as a mechanism to make the judiciary competitive. Fourth, by obtaining Charles' *merced* for his clients, Tavera diminished the temptations of lucrative illegalities. Overall, his policies of recruitment contributed to the stabilization of post-*comunero* Castile. By incorporating the guidelines articulated by the representatives of the Cortes, Tavera converted the judiciary into an efficient bureaucracy. With his policies of rotation and audits, Tavera sustained a meritocracy open to graduates of law and educated clergymen who participated in Tavera's restoration of royal justice. Ultimately, a judge's sustained investment in the future of the Habsburg monarchy allowed for his inclusion in Tavera's network. As royal officials, judges cultivated multiple patrons, namely Charles and Tavera, but their professional qualifications and performance reviews were the standard for advancement and *mercedes*.[13]

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[12] For the concept of reciprocity, I used J. Russell Major, "Crown and Aristocracy in Renaissance France," *American Historical Review* 69 (1964): 631–645, 635–637.

[13] Although I do not necessarily classify judicial bureaucrats as noble, I do rely on studies of clientage relations among the nobility for ways to understand the concept of clientage, which has led me to regard the concept of clientage as problematic regarding Charles' duty to appoint qualified judges. For the formulation of multiple patrons among nobles, see Robert R. Harding, *Anatomy of a Power Elite: The Provincial Governors of Early Modern France*, Yale Historical Publications 120 (New Haven: Yale University Press, 1978), 36. For a critique of Harding's "limiting assumptions on which earlier analysis of nobles political behavior have been founded," see Neuschel, *Word of Honor*, 11–16.

The Petitions of the Cortes

When Charles returned to Spain in 1522 he began to establish a judiciary based on what the cities wanted out of royal courts, namely an appellate system with a set of criteria for assessing judges. One of his first measures in 1522 was to audit the entire judiciary, in particular the chanceries of Granada and Valladolid. Audits proved to be the strategy of forging a government of men the cities of Castile wanted for their judges.

Before his 1522–1528 judicial reform program, Charles had rejected administrative changes demanded by the *procuradores* to the 1517 and 1520 Cortes, convinced that Burgundian patronage practices would suffice. Charles made a strategic error when he left behind Adrian of Utrecht as regent. In 1522, when Charles returned to his war-ridden nation, he lacked the financial support of the cities. As noted in Chapter II, the cities convinced Charles in 1523 to use his absolute power to change the traditional order of agenda in the Cortes (the first item had always been the amount of *servicios*, the second, lawmaking). In the next decade, the cities used the sessions of the Cortes to assess Charles' performance as the judicial head and then reward him with annual subsidies.[14]

The cities wanted audits because they were a demonstration of the king's willingness to maintain a law-abiding bureaucracy and support distributive justice. In a sense, an audit could reveal that the king had made an honest mistake in a judge's appointment. Audits often forced the transfer of judges and normally led to the removal of avaricious and corrupt judges from the chanceries and *audiencias*. Because they required royal investments of money and manpower, audits usually led to management changes that normally took a couple of years to implement fully. Because audits were programmatic, they were also proactive measures against corruption.

The *comuneros* requested that judicial appointments be based on the qualifications of the candidate and not his connections or influence.[15] They warned Charles that royal officials must not have tenure,[16] and

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[14] José Ignacio Fortea Pérez, "Las últimas cortes del reinado de Carlos V, 1537–1555," 2:243–273, 256–258.

[15] "Que sea la provisión a los oficios y no a las personas," Maldonado, *El levantamiento de España*, 463.

[16] "Que no sean perpetuos," Maldonado, *El levantamiento de España*, 464.

requested that the king screen judicial candidates using the criteria of merit (*merecimientos*), competency (*habilidad*), and credentials such as a law degree from one of the major universities.[17] In 1523, the cities repeated similar *comunero* requests, insisting, for example, that only qualified and experienced judges were to be appointed.[18] Judges had to have law degrees;[19] the cities especially asked for *letrados* with credentials showing that candidates had studied law for ten years[20] From experience, the *procuradores* understood that judicial officials should have a good record in different courts. They did not want judges who were related to, or in the pay of, a local magnate; they wanted someone who had a solid reputation for disinterested adjudication. The *procuradores* in 1525 again warned of the dangers of appointing unqualified judges, and they continued with many admonitions.[21]

Charles depended on the president of the Council of Castile, Juan Tavera, a specialist of Canon law and admirer of Latin authors such as Cicero and Tacitus, for viable candidates.[22] Tavera spent a few hours every evening reading Latin "authors of renowned style."[23] Even his leisure hours were devoted to the study of institutions and governments of antiquity. No doubt, Tavera's knowledge of the laws of Castile, his familiarity with the legal system, and his connections in the law faculties (he was once the rector of the University of Salamanca) recommended him to Charles as the king's top recruiter and his liaison with the Cortes.

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[17] "Que sea la provisión a los oficios y no a las personas," Maldonado, *El levantamiento de España*, 463.

[18] Petition 92, 1523 Cortes, CLC, 4:397. In his response to petition 99, Charles promised to punish men who claimed to be licentiates, doctors, and jurists.

[19] At the Madrid Cortes of 1534 Charles granted *hidalguía* or tax-exemptions from the *servicio* collected by the cities of the Cortes only to the law graduates of the universities of Valladolid, Salamanca, and Bologna. *Novísima recopilación*, lib. VI, tit. XVIII, ley XIV; *Nueva recopilación*, 5 vols. [Facsimile, Madrid: Editorial Lex Nova, 1982; 1640], lib. I, tit. VII, ley VIII.

[20] Petition 7, 1525 Cortes, CLC, 4:407.

[21] Petition 7, 1525 Cortes, CLC, 4:407.

[22] For Tavera, see Ezquerra Revilla and Pizarro Llorente, "Pardo de Tavera, Juan," 3:316–325.

[23] Tavera employed humanists with whom he read and spoke Latin. For a reference, see the letter of Gracian de Alderete to Juan Dantisco, Polish ambassador in the court of Isabel, Valladolid, 13 Sept. 1536, *Españoles y polacos en la corte de Carlos V: cartas del embajador Juan Dantisco*, ed. Antonio Fontán and Jerzy Axer (Madrid: Alianza Editorial, 1994), 84–86, 85. For his library that was auctioned, see Archivo Hospital Tavera (Toledo), leg. 134, tasación de la librería, Valladolid, 16 Sept. 1545. The majority of his book collection went to his heirs, Arias Pardo de Saavedra and Diego Tavera.

President Tavera did not have to dig very deeply into legal texts to discover that previous monarchs of Castile had relied on audits.[24] Audits were proven methods of ensuring that judges performed their duties. In medieval practice, commanders of the military orders who governed their lordships were audited, as were royal municipalities.[25] By the end of the fifteenth century, the chanceries of Valladolid and Ciudad Real (which was moved to Granada) received a growing number of appeals, and this growth of litigation made it necessary for royal oversight. The chanceries too had to be audited on a regular basis.

When Charles returned to Spain in 1522, the cities expected that all royal offices, from *corregimientos* to the judges of the royal household (*alcaldes de casa y corte*), would be audited.[26] As already discussed, the *procuradores* had demanded numerous auditing measures. The cities emphasized audits repeatedly as the first step toward the resolution of their grievances. In 1518 they wanted auditors to investigate the Council of Castile, the chanceries, and *corregimientos*. In 1520 the *procuradores* reiterated the need to audit *corregimientos* every two to three years. In 1523 they insisted that a permanent inspector (*veedor*) ensure that judges in the chanceries adhered to ordinances, that those with insufficient resources (*pobres*) had their injury suits admitted, and that the inspector notified Charles of violations.[27] Two years later, the cities requested the services of knights in auditing the towns of Castile and asked that auditors complete their investigation of *corregimientos* within three months.[28] Every year the cities augmented the auditing responsibilities of the crown, encouraging the king to enlarge the scope of investigations. The goal was to place the entire judicial system under surveillance.

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[24] For discussion, see Garriga, *La audiencia y las chancillerías castellanas*, 425–428. For *corregimientos*, see the law established by Juan II in 1438 and reissued by Isabel in 1480, *Novísima recopilación*, 3:354 (lib. VII, tit. XII, ley. II).

[25] Francisco Fernández Izquierdo, "La orden de Calatrava," in *Las órdenes militares en el Mediterráneo occidental, (XII–XVIII): coloquio celebrado los días de 4, 5, 6 de mayo de 1983* (Madrid: Casa de Velázquez, 1989), 185.

[26] Petition 63, 1523 Cortes, CLC, 4:383.

[27] Petition 89, 1523 Cortes, CLC, 4:396.

[28] For the requirement that *corregimiento* auditors had to be knights, see petition 27, CLC, 4:418. For the term of three months for the *juez de residencia*, see *Novísima Recopilación*, 3:362 (lib. VII, tit. XIII, ley. II). For additional appeals for audits of the court of the royal household (*alcaldes de casa y corte*), see petition 33, the Cortes of 1534. See petition 114, 1528 Cortes, on the need to establish a permanent staff of auditors. Similarly, see petition 20 for audits of the accounting staff and the Council of the Indies.

Tavera regarded the initiative of auditing judges as one of his most important measures in rebuilding the judiciary and in restoring confidence in government and cohesion in the realm. By auditing the courts, the president pruned judges and functionaries who compromised the integrity of royal justice. "The advice I have to offer you," one of Tavera's secretaries noted in an unsigned memo to Charles, "is that it is in your best interest to have the president and the Council of Castile, above everything else and without hesitation, dutifully implement the audits and visitations of the chanceries, *corregimientos*, and all other judicial offices."[29] Auditing the courts, the secretary added, must be the primary function of the Council of Castile. Indeed, Tavera and his councilors were the king's custodians of justice; they were responsible for addressing letters sent by municipalities and individuals writing about difficulties they encountered in royal courts.[30] Complaints brought to the attention of the Council the problems citizens had experienced in their dealings with local judges. By focusing on personnel, the Council primarily dealt with management, and, under pressure from the cities, it limited its own role in litigation. Cases of first instance (*pleitos ordinarios*), for example, had to go directly to the appellate courts (chanceries or *audiencias*).[31] In 1523 the *procuradores* of the Cortes did not want royal officials, especially the judges of the Council of Castile, to have more than one office and one salary each; being a member of the Council entailed enough responsibility.[32] During the post-*comunero* years Charles limited appeals to the Council of Castile in order to prevent a flood of litigation and to set a precedent. Until the late 1530s, Charles gave the Council considerable power in peer review and channeled the energy of the Council toward the assessment of candidates: for the presidencies of the chanceries and appellate courts, for embassies to Rome, for judgeships in seigniorial jurisdictions, for fortress commanderships, and for civil case judgeships.[33]

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[29] AGS, Estado, leg. 15, fol. 20.

[30] AGS, Patronato Real, leg. 26, fol. 23, 1528. For municipal letters addressed to Tavera seeking justice and requiring a royal investigation or audit, see Archivo Hospital Tavera, Toledo, Caja Fuerte, leg. IV, s.f., Aldonza Núñez ("vecina de la villa de Uzeda") to Tavera, Uzeda, 1541.

[31] The *procuradores* in 1528 stipulated a number of conflicts of interest laws, including the transfer of original jurisdiction (*pleitos ordinarios*) to the chanceries (petition 5, CLC, 4:450–451).

[32] Petition 90, CLC, 4:396.

[33] AGS, Estado, leg, 15, fol. 15.

President Tavera's Reform Program and the Chancery of Granada

The Chancery of Granada was the appellate court having jurisdiction over ecclesiastical towns (bishoprics), towns of the military orders, and royal municipalities (towns and cities) south of the Tajo river. Appeals arrived to the *chancillería* directly from such towns or from a route of judges presiding over such towns. The ecclesiastical *justicias* or *alcaldes mayores* were judges appointed by the lord of the town to handle cases involving different legal traditions (e.g., Jewish and Muslim). *Alcaldes mayores* were the first appellate judges that received appeals from areas that had different *fueros*, or law codes The *chancillería* or chancery was the next step to find an equitable settlement of conflicting claims brought from different legal traditions. The chancery was especially important because it intervened in cases involving litigants from different towns, each with its own *fuero*. Each town had its own customs and ordinance, so there were limitations that a local judge could not overcome when litigants were from municipalities not under his jurisdicition. The Chancery of Granada was structured like that of Valladolid; it consisted of twelve civil case judges (*oidores*), three to four criminal judges (*alcaldes del crimen*), a royal prosecutor (*procurador fiscal*), and two judges for cases of hidalguía (*alcaldes hijosdalgo*).

Before Tavera's rise to the presidency of the Council of Castile in 1524 the transformation of the appellate courts had already begun. The *comunero* revolution expedited reform changes, especially the application of hiring standards and appointment review. One of the first changes centered on the conflicts caused by the new appointment to the presidency of the Chancery of Granada (see Table 3.2 for presidents). In 1521 the president, Pedro de Ribera, provoked the antagonism of the judges.[34] Ribera had achieved success as a churchman, but his connections did not prevent his removal. Isabel of Castile's confessor, the archbishop of Granada, Fernando de Talavera, groomed Ribera by appointing him to a succession of ecclesiastical offices.[35] Before becoming the bishop of Lugo in 1500, Pedro de Ribera held numerous benefices in Granada. Ribera was a royalist and assisted Archbishop Alonso Fonseca (Tavera's uncle) in containing the anti-seigniorial movement in

[34] AGS, Estado, leg. 8, fol. 73, 5 April 1521, the marquis of Mondéjar to Charles; Garriga, *La audiencia y las chancillerías castellanas*, 193–194.

[35] Francisco Bermúdez de Pedraza, *Historia eclesiástica de Granada*, Archivum (Facsimile, Granada: Universidad de Granada, 1989; 1638), 207v.

Galicia.[36] During the revolution, in either February or March of 1521, Ribera became the president of Granada; but by the summer of 1522 he left the chancery because of conflicts with resident judges.[37] The presidency of Granada was left vacant for nearly two years as Ribera went to reside in the diocese of Lugo. The failure of the presidency of Granada under Bishop Ribera revealed that important changes were taking place in the new administration. No matter how powerful and connected one was, judgeships and presidencies of the appellate courts were not automatic.

The 1522 Audit

Charles ordered an audit of the Chancery of Granada during the presidential interregnum.[38] Francisco de Herrera spent the fall of 1522 investigating the judges of the appellate court of Granada. Herrera's audit report listed these problems: factional strife, personal grudges, a growing number of unsettled lawsuits, an overworked and understaffed court, an overload of cases, delays, bribes, and inappropriate purchases and investments by appointed judges.[39] Herrera listed eight judges who had compromised their positions. Two of the judges immediately lost their offices.[40] Six of the eight judges who had received poor evaluations in Herrera's audit continued in their position because their infractions were not serious offenses. "Licentiate Hernando Girón, a civil case judge (*oidor*)," Herrera wrote of one, "is closely connected (*es aficionado*) to certain knights who bring their lawsuits to this court."[41] Licentiate Girón remained in Granada and became a councilor of the Council of Castile, earning Tavera's endorsement.[42] But henceforth the Council of Castile regarded him with suspicion.

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[36] On Ribera's role in the *comunero* movement, see Pérez, *La revolución de las comunidades*, 382.

[37] Garriga, *La audiencia y las chancillerías castellanas*, 193. Soon thereafter, at the end of Adrian's regency in 1522, Ribera audited the monastic order of Saint Bernard (AGS, Patronato Real, leg. 23, fol. 9, 1 Oct. 1522).

[38] For the audit, see AGS, Cámara de Castilla, leg. 2720, libro de visitación, "declaración de Alonso Núñez de Madrid; Garriga, *La audiencia y las chancillerías castellanas*, 454–466.

[39] AGS, Cámara de Castilla, leg, 2710; Garriga, *La audiencia y chancillerías castellanas*, appendix XII, 469–482.

[40] The two removed were Licentiate Castellanos and Licentiate León.

[41] Garriga, *La audiencia y chancillerías castellanas*, 471.

[42] AGS, Estado, leg. 20, fol. 193. On Tavera's support, see Estado, leg. 24, fol. 215,

The audit also revealed the range of inappropriate behavior in the judiciary. Purges were visible, and poor reviews also led to resignations and retirements. "Licentiate Ribera," Herrera added, "must not delay his prosecutions . . . and he has received money from certain people who are accused [of crimes]." *Fiscal* Ribera did not advance; rather, he faded out of royal service by 1528.[43] Another *fiscal* was Licentiate Castellanos and he too lost his job in 1525. Dr. Avila liked to gamble and was susceptible to bribery. He was transferred to the Chancery of Valladolid in 1526 (a move that Tavera questioned because he felt that any number of his candidates could better serve the judiciary).[44] On the other hand, Avila did not advance to the Council of Castile, and he too disappeared from the royal judiciary.

Charles did not ruin the careers of judges who sought ways to supplement their incomes without accepting bribes. Nevertheless, the king had to prevent compromising activity, and the best correctional strategy involved giving such judges assignments as auditors. One of the best methods of removing judges without going into legal complexities consisted in demoting them to the level of auditors.[45] Thus, for his improper and harsh use of language (*dice palabras injuriosas*), Licentiate Toro, who had been appointed by Herrera, had to spend almost a year in Seville auditing the judges of the appellate court (*los grados*).[46] Herrera's audit initiated the policy of rotation as the preferred means to minimize corruption. Licentiate Rodrigo de la Corte, for example,

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Tavera to Charles, Segovia, 9 Sept. 1532. Girón's father was a *corregidor* in Vizcaya. For the younger Girón's *corregimiento*, see AGS, Estado, leg. 15, fol. 28, Palencia, 1527. For the distinction between father and son, see Estado, leg. 13, fol. 156, the bishop of Tuy to Charles.

[43] In Gan Giménez, *La real chancillería de Granada*, 321. Garriga indexes Dr. Ribera as the *fiscal* indicted in Herrera's audit. The auditor, however, describes him as Licentiate Ribera and not as a doctor (Garriga, *La audiencia y las chancillerías castellanas*, 474–475).

[44] In his audit Herrera wrote that Avila "juega en su casa muchas vezes y algunas juega él mismo dineros" (Garriga, *La audiencia y las chancillerías castellanas*, 470). I have found his signature in Estado, leg. 13, fol. 17, the Chancery of Valladolid to Charles, Granada, 16 May 1525. Gan Giménez dates his appointment as judge from 1520 to 1526. *La real chancillería de Granada*, 227. I have traced a Dr. Avila, one of Charles' physicians soliciting a vacancy in the city council of Málaga. Estado, leg. 16, fol. 446, Madrid, 22 April 1528, "Consulta que tuvo SM." For Tavera's comments, see Estado, leg. 15, fol. 11.

[45] The implications of this demotion are, at least to me, difficult to ascertain. Perhaps an auditing 'appointment' was a process of elimination, or maybe the training process that a judge had to go through.

[46] For the *residencia* in 1527, see AGS, Estado, leg. 15, fol. 28.

continued to serve in the justice system, even though he was guilty of a conflict of interest. Corte's crime was that "he purchased municipal annuities" (*compró censos al quitar*) and this charge led to his transfer to the Chancery of Valladolid, where he served until his death and during which time he earned the respect of Tavera.[47] Francisco de Herrera became the president of Granada after his audit and presided over a minimum of nineteen judges (twelve *oidores*, five *alcaldes*, and two *fiscales*).[48] A graduate of the College of San Bartolomé, former metropolitan judge of Santiago de Compostela and inquisitor and archbishop of Granada, Herrera died a month after his appointment on December 20, 1524.

Tavera's Reforms and President Sánchez de Mercado

In 1524 Tavera became the head of the judiciary and he soon achieved results in the formation of a new network of prelates and jurists.[49] Tavera applied the well-tested *residencia* policies that Charles had resurrected; he also supported prelates to preside over the chanceries that had just been audited (see Table 3.2). Charles expanded Tavera's network of reform-minded bishops by appointing to the presidency of the Chancery of Granada the bishop of Mallorca, Rodrigo Sánchez de Mercado, founder of the College of Oñate in Guipúzcoa.[50]

Under President Mercado the Chancery had a minimum of six *oidores*, and all of them except one (after nearly a decade or more in the appellate system) went on to work in the administration or a preferred appellate court.[51] Because they needed to find experienced judges,

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[47] For his term, see AGS, Estado, leg. 14, fol. 25, the president of Valladolid to Charles, Valladolid, 10 Dec. 1526. When de la Corte died, Tavera asked Charles to grant a *merced* to Corte's son, which Charles approved. See Estado, leg, 20, fol. 136, Tavera to Charles and Estado, leg. 21, fol. 6, 22 Nov. 1530, the Empress to Charles, 22 Nov. 1530, *consulta*, [in the margin is Charles' 'fiat', Brussels, 29 Jan. 1531].

[48] My estimate is based on the signatures in AGS, Estado, leg. 13, fol. 17, the Chancery of Granada to Charles, Granada, 16 May 1525; Gan Giménez' inventory can be found in *La chancillería de Granada*, 177–369. Francisco de Herrera's audit is in Garriga, *La audiencia y las chancillerías castellanas*, 469–482.

[49] For the prelate presidents of the chanceries of Valladolid and Granada, see Tables 3.1 and 3.2.

[50] For Tavera's endorsement of Mercado, see AGS, Estado, leg. 15, fol. 13. I have yet to uncover the personal ties between Tavera and Mercado. Mercado also had the support of Polanco and Galíndez. AGS, Estado, leg. 15, fol. 13.

[51] AGS, Estado, leg. 13, fol. 17, the Chancery of Granada to Charles, Granada, 16

Charles and the Council of Castile used the Chancery of Granada as a site for judicial apprenticeship. After five to ten years of service in the Chancery, judges were given the opportunity to advance or to find employment in an appellate court of their choice. For example, after working in Granada for ten years, Rodrigo de la Corte advanced to the Chancery of Valladolid in 1526.[52] Gutierre Velázquez de Lugo began his career in the Chancery of Granada just after the appointment of Mercado to the presidency in 1525.[53] After ten years, Velázquez became a member of the Council of the Indies in 1535.[54]

Other judges who were audited also managed to obtain promotions. Rodrigo de la Corte, Diego de Escudero, Gonzalo de Castro, and Hernando Girón succeeded at the beginning of Mercado's presidency in catching the attention of Tavera.[55] Tavera supported judges of the Chancery of Granada only after they had been audited and provided at least ten years of judicial service. Appointed in 1515 to the Chancery of Granada, de la Corte went to the Chancery of Valladolid in 1526 and after three years became a councilor of the Council of the Indies.[56] Escudero, a graduate of the College of Santa Cruz and a doctor of canon law, entered royal service in 1517, obtaining a judgeship in the

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May 1525. The judges included Licentiate Girón, Licentiate de la Corte, Licentiate de Castro, Dr. Escudero, Licentiate Gutierre Velázquez, and Licentiate Ramírez de Alarcón.

[52] For de la Corte's judgeship in Valladolid, see AGS, Estado, leg. 14, fol. 25, the president of Valladolid to Charles, 10 Dec. 1526.

[53] For Velázquez's 1516 appointment to the Chancery of Valladolid, which did not materialize, see Pizarro Llorente, "Velázquez de Lugo, Gutierre," 3:461–462. Gan Giménez provides two dates for Velázquez' appointment to the Chancery of Granada, 1520 and 1531 as *oidor* (*La real chancillería de Granada*, 145, 360). On Velázquez' absence and first term in Granada, see AGS, Estado, leg. 15, fol. 98, Francisco Romero to Charles, Granada, 23 April 1527. This reference suggests to me that his appointment was in 1526.

[54] On Velázquez' appointment to the Council of the Indies, see Estado, leg. 13, fols. 186 and 188.

[55] For Tavera's support of de la Corte, see Estado, leg. 20, fol. 136, Tavera to Charles, Ocaña, 15 Nov. [1530]; Estado, leg. 16, fol. 450, Madrid, 1528; Estado, leg. 21, fol. 6, 22 Nov. 1530. For Escudero, see Estado, leg. 20, fol. 176, Tavera to Charles, Madrid, 31 July 1530; Estado, leg. 20, fol. 228, Charles to Tavera, Trent, 16 April 1530. For Castro, see Estado, leg. 20, fol. 176, Tavera to Charles, Madrid, 31 July 1530. For Licentiate Girón, see Estado, leg. 24, fol. 215, Tavera to Charles, Segovia, 9 Sept. 1532.

[56] On de la Corte's transfer, see AGS, Estado, leg. 14, fol. 25, the bishop of Badajoz to Charles, Valladolid, 10 Dec. 1526. For his appointment to the Council of the Indies, see Shäffer, *El consejo de las Indias*, 1:354.

Chancery of Granada.[57] Appointed to the Chancery of Valladolid in 1527, Escudero went on to the Council of Castile in 1534.[58] A graduate of the College of San Bartolomé, Gonzalo Castro began his royal career in 1520, hearing cases in Granada.[59] Ten years later he advanced, becoming a *fiscal* at the Chancery of Granada in 1530, and five years later joining Tavera in the Council of the Castile.[60] Only two judges, Ramírez de Alarcón and Miguel de Ribera, remained in the Chancery of Granada after 1535, though both were rotated to a different judgeship in the Chancery.[61]

The Chancery of Granada was a lower court, yet it was a stepping stone where a judge gained experience and acquired a reputation. For example, Ramírez de Alarcón's tenure in Granada earned him strong recommendations. Tavera listed Ramírez de Alarcón in 1527 as one of his candidates for the Council of Castile.[62] The president of Granada as well supported Ramírez de Alarcón for the Council of the Indies.[63] Ramírez de Alarcón did not advance, but the reason for his lengthy stay in Granada was probably his personal decision to remain there.[64]

Audits allowed the presidents not only to eliminate corrupt or incapable officials but also to identify those meriting advancement. A case-by-case study of the competition for many vacancies will show how the

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[57] Mariano Alcocer and Saturnino Rivera, *Historia de la universidad de Valladolid*, Anales Universitarios, 7 vols. (Valladolid: Imprenta de la Casa Social Católica, 1924–1931), 5:58–59.

[58] On Escudero's promotion, see Estado, leg. 13, fol. 21, [1527]; Cilia Domínguez Rodríguez, *Los oidores de las salas de lo civil de la chancillería de Valladolid*, De archiviis, 2 (Valladolid: Universidad de Valladolid, 1997), 42. Domínguez Rodríguez dates Escudero's arrival to Valladolid in 1528. For Escudero's promotion to the Council of Castile, see Gan Giménez, *El consejo real de Carlos V*, 235.

[59] Gan Giménez, *La real chancillería de Granada*, 214.

[60] For Castro's short lists, see Estado, leg. 13, fol. 21 [1527]; Estado, leg. 14, fol. 245, 1526, "para consejo de órdenes." For his promotion to *fiscal*, see AGS, Estado, leg. 20, fol. 176, Tavera to Charles, Madrid, 31 July 1530. Castro did not appear in the audit of 1530. AGS, Estado, leg. 13, fol. 156. For his appointment to the Council of Castile, see Gan Giménez, *El consejo real de Carlos V*, 231.

[61] For the audit of 1530, see AGS, Estado, leg. 13, fol. 156. For inventories taken in 1535, see Estado, leg. 13, fol. 186 and fol. 189.

[62] For Tavera's support of Licentiate Ramírez de Alarcón, see AGS, Estado, leg. 13, fol. 46; Estado, leg. 15, fol. 14, [1527]; Estado, leg. 24, fol. 389, Tavera to Charles, "memorial de letrados."

[63] For the Council of the Indies, see Estado, leg. 14, fol. 322, 1526 and Estado, leg. 15, fol. 99, the bishop of Mallorca to Charles, Granada, 15 Jan. 1527, "para audiencia en la Española."

[64] For Ramírez Alarcón in Granada, handling the Belalcázar lawsuit, see Owens, *Authority*, 135, 274, note 52.

system that Tavera engineered involved other councilors of the Council of Castile in selecting officials. Tavera imposed audits on the judges of Granada and afterwards selected audited judges to fill in vacancies in other courts and in the councils after he had consulted with members of the Council of Castile.[65] Tavera was molding the judiciary and he needed the help of his associates in the Council of Castile in order to stabilize the Chancery of Granada. It is not possible to verify the number of resident judges in Granada during the years 1522 through 1526, but a pattern appears. The Chancery always lacked judges. Two power brokers of the Council of Castile, Luis González de Polanco and Lorenzo Galíndez de Carvajal, assisted Tavera in finding judges by providing Charles with the names of qualified candidates. In February 1526 the Chancery required two criminal judges and one civil case judge.[66] Five candidates were considered for the criminal judgeships.[67] For openings in Granada, Galíndez selected Lugo, Calderón, and Miguel de Arévalo.[68] Licentiate Pomereda and Licentiate Miguel de Arévalo were Polanco candidates. Tavera and Polanco supported Licentiate Luzón.[69] Tavera recommended Licentiates Calderón and Pomereda for judgeships in the Canary Islands but not for the chancery.[70] Luzón got one of the positions in Granada. As a *juez de residencia*, Luzón audited the *corregimiento* in Granada sometime before 1527. He held the judgeship until 1535. The other opening did not materialize as Licentiate León retained his position.[71] Tavera especially praised Dr. de la Torre, a *converso* who ended up residing in Granada no later than 1527.[72] Torre was a Tavera man and a Galíndez associate, as evidenced by the fact that both leaders supported him for vacancies in Granada

[65] For Torre, Pisa, and Ribera, see AGS, Estado, leg. 15, fol. 12. For Nava, see Estado, leg. 15, fol. 11 and fol. 14. For Girón, see Estado, leg. 24, fol. 215.

[66] AGS, Estado, leg. 14, fol. 225, Toledo, 6 Feb. 1526.

[67] They included Licentiate de Lugo, Licentiate Luzón, Licentiate Calderón, Licentiate Pomereda, and Licentiate Miguel de Arévalo.

[68] AGS, Estado, leg. 15, fol. 13.

[69] On Polanco's selection, see AGS, Estado, leg. 15, fol. 28. For Tavera's recommendation, see Estado, leg. 15, fol. 12.

[70] AGS, Estado, leg. 15, fol. 11, "tres juezes para el juzgado que allí se hace."

[71] The audit of 1530 shows that two Licentiates, both by the last name of León, were in Granada (Estado, leg. 14, fol. 225). León was to be replaced in 1526. Estado, leg. 13, fol. 156.

[72] "…letrados en Granada más estimados" (Estado, leg. 15, fol. 12, [1527]). For Torre's *confeso* remark, see Estado, leg. 14, fol. 225, Toledo, 6 Feb. 1526, "mandamiento de VM."

and Valladolid.[73] A *regidor* of Granada since 1515 or perhaps earlier, Torre served as *fiscal* in the Council of Castile beginning in 1529, an office that he held for eleven years.[74]

Qualifications and solid reputations were vital for appointments, and such merits would come to the attention, and earn the support, of the powerful patrons. For the civil case position in Granada and for two vacancies in Valladolid, six licentiates competed, and all six of the licentiates were Galíndez nominations.[75] However, only one of these candidates was also a Tavera associate and he was the winner. Juan Suárez de Carvajal beat them all, went to Granada, and remained there until 1529 when he won a position in the Council of the Indies and a judgeship in Valladolid.[76] Suárez de Carvajal was a graduate of the College of Oviedo in Salamanca, a professor of civil law who had served faithfully as the *corregidor* of Talavera during the civil wars.

The qualification of experience was significant, especially for judges seeking to advance. In 1527 the Chancery of Granada needed five judges, three *oidores*, and two *alcaldes*.[77] Charles had recruited judges in Granada for the the higher councils of the administration (e.g., the Council of Castile, the Council of the Indias, the Council of the Inquisition, the Council of the Military Orders) and vacancies subsequently opened in Granada. Tavera had supported the candidates whom Charles appointed. Licentiate Torre joined the ranks of the Council of Castile. Licentiate Suárez went to the Council of the Inquisition and the Chancery of Valladolid.[78] Licentiate Pisa, after a brief stay in Granada, found employment in the royal court as an *abogado* (advocate and attorney at law) which then opened the doors for a judgeship in the Chancery of Valladolid.[79] Dr. Escudero, a popular jurist, had the

[73] For Tavera's support, see AGS, Estado, leg. 15, fol. 28, Palencia, 1527. For Carvajal's recommendation, see Estado, leg. 15, fol. 13.

[74] Gan Giménez, *El consejo real de Carlos V*, 265.

[75] The licentiates were Juan Suárez de Carvajal, Miguel de Arévalo, Tordehumos, del Barco, Juan de Mendoza, and Pedro de Peña.

[76] For Tavera's support of Suárez de Carvajal, see AGS, Estado, leg. 15, fol. 12 and fol. 22. For Carvajal's recommendation, see Estado, leg. 15, fol. 13.

[77] For the *oidores* and *alcaldes*, see AGS, Estado, leg. 15, fol. 28, Palencia, 1527.

[78] AGS, Estado, leg. 15, fols. 25 and 27.

[79] For his residence at the royal court, see AGS, Estado, leg. 15, fol. 25. For his activities as *abogado*, intervening, for example, in the lawsuit between Henry Nassau (the marquis of Cenete) and the archbishop of Toledo, see Estado, leg. 19, fol. 15, Antonio de Fonseca to Charles, Madrid, 19 July 1530; leg. 20, fol. 175, Tavera to Cobos, 23 June 1530? For his term in Valladolid, see Estado, leg. 13, fol. 189.

support of the Tavera, Councilor Pedro de Medina of the Council of Castile, and the president of the Council of the Military Order of Santiago, the count of Osorno, García Fernández Manrique.[80] With the backing of such powerful leaders, Escudero in 1534 joined the Council of Castile after serving in the Chancery of Valladolid.[81] Licentiate Contreras was a judge in Granada, and in 1526 he got what he wanted, a judgeship in Valladolid that was closer to his native city of Segovia.[82] Licentiate Miguel Muñoz also counted on Galíndez de Carvajal, and Muñoz benefited well from his service by hearing cases in his native city of Granada and receiving from Charles the bishopric of Tuy in 1540 and the presidency of the Chancery of Valladolid in 1542.[83] Pedro Mercado de Peñalosa followed this pattern of promotion after an appointment in Granada, for after only a couple of years in Granada, Charles ordered him to the Chancery of Valladolid in 1531.[84] Enjoying the support of Polanco and Fortún Ibáñez de Aguirre of the Council of Castile, Peñalosa was promoted to the Council of the Indies, a post he held from 1531 to 1535; he served next as *alcalde de casa y corte*, and finally as a member of the Council of Castile from 1537 to 1553.[85]

Opportunities and Incentives

Audits created the ongoing problem of vacancies and opportunities, for audited judges were promoted after a short time, and this prompted a new range of necessary replacements. Audits therefore prevented judges from dragging their feet, giving them an incentive to perform

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[80] For Tavera's recommendation, see AGS, Estado, leg. 20, fol. 176, Tavera to Charles, Madrid, 31 July 1530. For Medina's support, see Estado, leg. 15, fol. 34, "Memorial del Licenciado Medina." For the count of Osorno's letter, see Estado, leg. 15, fol. 33: "es cristiano viejo y muy buen juez."

[81] For Escudero's promotion to Valladolid, see AGS, Estado, leg. 13, fol. 249. For details, see Ezquerra Revilla, "Escudero, Diego de," 3:121–124.

[82] For Tavera's support of Contrera's desire to go to Valladolid, see Estado, leg. 14, fol. 231, 1525. For González de Polanco's recommendation, see Estado, leg. 15, fol. 13. On Contrera's death, see Estado, leg. 23, fol. 95, the president of Valladolid to Charles, Valladolid, 21 Feb. 1531.

[83] For Galíndez's support, see AGS, Estado, leg. 15, fol. 28, Palencia, 1527. For his term in Granada, see AGS, Estado, leg. 13, fol. 186.

[84] Pedro Girón, *Crónica del emperador Carlos V* (Madrid: CSIC, 1964; 1540?), 11.

[85] For Polanco's recommendation of Mercado, see AGS, Estado, leg. 15, fol. 35. For Aguirre's support, see Estado, leg. 15, fol. 28. For Mercado's cursus honorum, see Ezquerra Revilla and Pizarro Llorente, "Mercado de Peñalosa, Pedro," 3:282–283.

their duties well in order to earn future promotions. The example of Licentiate Mogollón de Cáceres, who enjoyed the support of Tavera, Galíndez, and González de Polanco, shows how audits could both motivate judges and flush the judiciary of them. After the Chancery of Granada audit of 1522–1523, Mogollón became a judge there.[86] Following two years in Granada, Mogollón obtained a position on the Council of the Empress in 1528, which consisted of President Tavera, Juan Vázquez de Molina, Pedro Medina, and a handful of experienced jurists.[87] When Charles returned to Spain in 1532, Mogollón revisited the Chancery of Granada for three years, and after an audit in 1533–1534, he was removed.[88]

As far as this generation of jurists was concerned, there was no guarantee that an office was secure, for it was very likely that judges would be moved, dismissed, or promoted, especially in the aftermath of an audit. Because jobs opened up and quite often remained vacant, Tavera had his secretaries and councilors record the credentials of promising candidates for Charles to see. Tavera also had acquired a long mental list and contacts to help him evaluate legal professionals. The speed with which the transfers occurred is suggested by the fact that many documents pertaining to judicial appointments are undated and unsigned. Tavera's influence in judicial appointments, however, emerges clearly (see Tables 4.1 and 4.2). To select for vacancies in Granada, Charles relied on a number of inventories.[89] Tavera provided him with lists for numerous vacancies that included five openings in Granada in 1527.[90] Of Tavera's thirteen candidates for vacancies in the Chancery of Granada, all were licentiates or doctors.[91] Tavera had recruited four of the five appointments.[92]

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[86] AGS, Estado, leg. 14, fol. 238, Granada, 1526; Estado, leg. 14, fol. 245, 1526, "nombramientos de personas para oficios fechos y sobre plazas de oidores"; Estado, leg, 13, fol. 237 (Mogollón requested a *regimiento* in Granada); Girón, *Crónica del emperador*, 52.

[87] AGS, Estado, leg. 15, fol. 53, Madrid, 13 May 1528, the Empress to Licentiate Fernández, the auditor of Tenerife and La Palma.

[88] On his replacement in 1535, see AGS, Estado, leg. 13, fol. 186, fol. 188; Girón, *Crónica del emperador*, 52.

[89] AGS, Estado, leg. 15, fols. 11–12 [1527], fol. 14, fol. 22, 1527? and Estado, leg. 15, fols. 27–28.

[90] AGS, Estado, leg. 15, fols. 11–14 [1527], and leg. 15, fols. 27–28, Palencia 1527.

[91] Tavera attempted to get two professors (*catedráticos*), but apparently they decided to remain in academia.

[92] On Tavera's support for Miguel Muñoz, see AGS, Estado, leg. 15, fol. 11 and

Problems in the justice system did not wane, but seemed to come in waves, and usually a set of problems repeated itself: too much work in the law courts, a short supply of qualified judges, the scrutiny of audits, and the appointment of appellate judges to conciliar and executive posts.[93] For example, between the years 1528 and 1530, Sánchez de Mercado presided over the Chancery of Granada; his efforts were continually hampered by a lack of staff.[94] Mercado also wanted to get out of Granada, for the appellate court there proved to be too much work. Aspiring to a seat on the *consejo de estado*, President Mercado claimed that he had distinguished himself by remaining above local politics, because, he said, the nobles of Granada controlled the city.[95] Nevertheless, he did not have the full support of Charles, who elevated him to Avila in 1530 in order to get him out of politics.[96] During the regency of 1529–1532, Mercado's request to serve in court as a foreign affairs advisor was denied, and he was obliged to remain in his diocese of Avila. He was not to be one of the regency's insiders, but his five-year term in Granada was characteristic of Tavera's *modus operandi*. Judicial appointments were often temporary assignments, transitional positions for judges who endeavored to obtain positions in the executive or to practice law in their preferred jurisdictions. Some judges, although dedicated, were not as fortunate as others; this was the case for Mercado, who was forced out of government and required to share his episcopal revenues with the king.[97]

The Audit of 1530–1531

The spirit of reform was the normal 'safe mode' of day-to-day governance. Some judges, such as Mercado, were eliminated even prior to

leg. 15, fol. 28. For Pedro de Mercado, see Estado, leg. 15, fol. 12 and fol. 22. For Peñaranda, see Estado, leg. 15, fol. 14 and fol. 22. For Luzón, see AGS, Estado, leg. 15, fol. 12, and Estado, leg. 15, fol. 28, Palencia, 1527.

[93] For lists of judges in the Chancery of Granada in 1526, see Tables 4.1 and 4.2.

[94] For example, he asked for two officials for the *juzgado de los alcaldes* who should be "personas limpias y de conciencias porque proveyendose asi usaran de sus oficios justamente" (the bishop of Mallorca to Charles, Granada, 3 Jan. 1528, AGS, Estado, leg. 16, fol. 375).

[95] AGS, Estado, leg. 24, fol. 303, Valladolid, 28 Aug. 1532, the bishop of Avila to Charles.

[96] For Sánchez' succession to Avila, see AGS, Estado, leg. 21, fol. 355, 30 Sept. 1530, Charles to Tavera.

[97] The bishop of Avila to Charles, Avila, 28 Sept. 1532, AGS, Estado, leg. 24, fol. 298.

an audit. Once he had removed Mercado, Charles prepared the Chancery of Granada for another overhaul, after seven years of continually searching for qualified judges. "The appellate courts of Valladolid and Granada," wrote President Tavera, "must be audited because they have gone without one since 1523."[98] This signaled a reorganization in which judges were to be promoted, transferred, or forced into retirement; moreover, the audit sent the clear message to recent graduates of the law faculties and *colegios mayores* that their record and reputation would be evaluated. Charles told Tavera to have the bishop of Tuy, Diego de Avellaneda, audit the Chancery of Granada.[99] Tavera recruited a royal attorney, Licentiate Juan de Prado, to assist the bishop of Tuy, but Prado soon went on other assignments, in particular confiscating royal funds in Toledo and collecting royal taxes owed by numerous lords.[100] For the auditing commission, Tavera also recommended Licentiate Pedro Mexía, canon of Toledo, and Licentiate Puerta, archdeacon of Queen Juana and canon of Seville.[101] Apparently, the bishop of Tuy was on his own as auditor, auditing twenty officials as part of a larger plan to assist Tavera in recruiting judges for promotions and vacancies in other judgeships.[102] It is not clear if Avellaneda had audited them himself or if other auditors investigated them at a different time. Avellaneda recorded an inventory of officials appointed since 1527, but some of them had already vacated their offices. He did not make any assertions about removing any of the judges. According to Avellaneda, who was very likely revealing a bias regarding converts, three were *confesos* (Jewish converts), two were avaricious (one was a *confeso*), eight were of seigniorial stock (*buena casta*), and two were too old (*antiguos*). Avellaneda noted that Dr. Peñaranda was too greedy for the position. Although Peñaranda had enjoyed the support of Tavera since 1527, he was not able to stay in Granada.[103]

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[98] Tavera to Charles, Madrid, 6 June 1530, AGS, Estado, leg. 20, fols. 15–18, fol. 16.

[99] Charles to Tavera, Mantua, 4 April 1530, AGS, Estado, leg. 21, fol. 269.

[100] On Fiscal Prado's assignment of the *visitación* of the Chancery of Granada, see Estado, leg. 20, fol. 16, Tavera to Charles, Madrid 6 June 1530? For Prado's collection efforts, see Estado, leg. 20, fols. 268–269; Estado, leg. 23, fol. 161, Licentiate Prado to Charles, Medina del Campo, 2 Nov. 1531. For Charles' support of Prado, see Estado, leg. 21, fol. 269, Charles to Tavera, Mantua, 4 April 1530.

[101] Tavera to Charles, Madrid, 6 June [1530], AGS, Estado, leg. 20, fol. 16.

[102] AGS, Estado, leg. 13, fol. 156, 1532–1533? He probably recorded the audit when his term as president was about to end rather than when he audited the judges.

[103] AGS, Estado, leg. 15, fol. 14 [1527]; Estado, leg. 15, fol. 12.

The pattern of the Tavera administration was to follow the recruiting standards demanded by the *comuneros* (and echoed by the *procuradores*) regarding judicial appointments. Charles and Tavera selected judges who had the minimum qualifications of a law degree and a good reputation. Peñaranda, a graduate of the College of Santa Cruz, owed his power to his allies in the Council of Castile, Lorenzo Galíndez and Pedro Medina.[104] But his connections did not guarantee immunity against the effects of audits. As a result of the audit, Peñaranda went to the appellate court of Galicia, and nearly five years later in 1535 he was allowed to return to the Chancery of Granada. In 1549 an audit of the Chancery led to his forced retirement.[105]

Six of the twenty judges audited in 1530–1531 (including Peñaranda) were tied to Tavera, but the element that united them was their solid performance of their respective judicial duties. For appointments, especially after audits, Tavera provided Charles with *letrados* whose record and reputation earned them new appointments.[106] One such *letrado* was Ramírez de Alarcón, one of the judges of Granada audited in 1530. Alarcón had the strongest recommendation from Avellaneda, the auditor of Granada, who claimed that "he could handle any assignment."[107] Alarcón captured the attention of Councilor González de Polanco of the Council of Castile as well.[108] In 1535 Alarcón was assigned to the Council of the Military Order of Santiago.[109] A promising career therefore greatly benefited from legal achievements that earned the recognition of several senior members of the Council of Castile.

The ultimate effect of the audit was simultaneously to reward and to rotate judges, in particular the six judges Tavera had supported for promotions. Hernando Girón, a Tavera candidate, had submitted to two audits, one in 1522–1523 and one in 1530 while he was in Granada.[110]

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[104] AGS, Estado, leg. 15, fol. 28, Palencia, 1527.

[105] For Tavera's preference, see AGS, Estado, leg. 26, fol. 28, 33 Jan. 1533, *relación*. For his placement in Granada in 1535, see Estado, leg. 13, fol. 186 and fol. 188. For his term in Granada after 1535, see AGS, Estado, leg. 13, fol. 189. For the *visita* of 1549, see Gan Giménez, *La real chancillería de Granada*, 307.

[106] AGS, Estado, leg. 24, fol. 389, Tavera to Charles, "memorial de los letrados que al presidente parescen personas convenientes para audiencia."

[107] AGS, Estado, leg. 13, fol. 156.

[108] For Polanco, see AGS, Estado, leg. 15, fol. 28. For the president of Granada's letter to Charles, see Estado, leg. 15, fol. 99, Granada, 15 Jan. 1527, "para audiencia en La Española."

[109] AGS, Estado, leg. 13, fol. 186, 1535.

[110] For Tavera's support, see AGS, Estado, leg. 15, fol. 24, 1524?

He received an appointment to the Council of Castile in 1529, and Tavera assigned him the lawsuit between the widowed duchess of Béjar (Teresa de Zúñiga y Guzmán) and the count of Belalcazar (Francisco de Zúñiga Gúzman y Sotomayor).[111] Girón had proven to be competent, and he was mindful of how performance affected the course of his career. Licentiate Pedro de Nava was another member of the post-*comunero* generation of jurists who came to the bureaucracy with full understanding that audits were to be mandatory and permanent. Nava wanted to return to his home in Valladolid and asked Tavera for his assistance in this matter.[112] Charles subsequently gave Nava the assignment of hearing cases in the Chancery of Valladolid in 1528.[113] Hence, the auditor of 1530 had evaluated two judges who received promotions after their positive audits. Both of these successful judges had worked to reconstruct the judiciary in the wake of the breakdown of government following the death of Isabel of Castile in 1504 and the subsequent institutional instability caused by the Habsburg transition. Without abandoning the fifteenth-century standards of government accountability devised by the late medieval Cortes, the Tavera administration institutionalized auditing mechanisms.

A Balance of Power

The 1530–1531 audit of the Chancery of Granada nonetheless revealed a balance of power—an improvement over the situation ten years previously in that the appellate court was freed from the history of self-promoting measures of patronage. Charles did not underestimate the extent to which Tavera's dominance had shaped the bureaucracy. The king had already appointed judges to Granada who had gained the attention of Tavera (or at least these judges had sniffed the political winds correctly, especially in light of Charles' planned departure for the German empire and the creation of a regency under the Empress, Tavera, González de Polanco, and Vázquez de Molina). But by appointing jurists who were not linked to the leaders of the Council of Castile,

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[111] For Girón's appointment to the Council of Castile, see Gan Giménez, *El consejo real de Carlos V*, 239. For Tavera's endorsement, see AGS, Estado, leg. 24, fols. 215–216, Tavera to Charles, Segovia, 9 Sept. 1532; Estado, leg. 24, fol. 217, Girón to Tavera, Béjar, 2 Sept. 1532. For the lawsuit, see Owens, *Authority*, 87–88, 140.

[112] On Tavera's support for Nava, see AGS, Estado, leg. 16, fol. 435, Tavera to Charles, Madrid, April, 1528.

[113] Domínguez Rodríguez, *Los oidores de la chancillería de Valladolid*, 41–42.

Charles added a new twist to the rebuilding that took place in 1524 to 1528. While preparing for his departure to the German empire in 1528, Charles nominated eleven judges to the Chancery of Granada, all of them newly arrived on the judicial scene. These appointments were not specifically recommended by Tavera or by the other leaders Charles had relied upon in recent years. Apparently, these eleven judges progressed in their careers for judicial office by having silent patrons such as Secretary Cobos. These appointments appear, in keeping with the political trends of the formative years of institutional reconstruction immediately after the Cortes of 1523, to have been inspired by the civic sensibilities of the municipal councils that had rendered parliament the seedbed of judicial guidelines consisting of appointment standards and procedures of audits.

Powerful men, however, continued to dominate Castilian politics, which were not an extended battle between social groups but rather a contest between political players whose similarities overshadowed their differences. Of the twenty appointments, Cobos supported only one, Juan Sarmiento.[114] Galíndez also had an associate there, the same *letrado clérigo*, Juan Sarmiento.[115] Charles sponsored more judges than all the members of the Council of Castile, appointing eleven of the twenty judges without the (documented) support of the other leaders. Tavera was next in line with six associates in Granada. Cobos, Galíndez de Carvajal, and the archbishop of Seville (Alfonso Manrique), all of whom had one of their associates in Granada, followed. Charles had the upper hand, but he was very careful to include the major patrons, giving them the leverage to make appointments. In every case of promotion the decision to appoint began with an audit.

At the same time as he conducted the audit of the Chancery of Granada, Charles appointed Diego de Avellaneda president from 1530 to 1533.[116] Avellaneda's appointment reflected Tavera's influence and reform plan, as the former was part of an alliance of judges who had earned Tavera's recommendation: Licentiate Diego de Soto, Licentiate Francisco de Menchaca, and Licentiate Muñoz de Salazar.[117] Tavera did

[114] AGS, Estado, leg. 14, fol. 245.
[115] AGS, Estado, leg. 15, fol. 13.
[116] For Avellaneda's acceptance of the Granada office, see Estado, leg. 20, fols. 191–192, 19 April [1530], Tavera to Charles.
[117] On Avellaneda's judiciary, see Gan Giménez, *La real chancillería de Granada, 1505–1834* (Granada: Centro de Estudios Históricos de Granada y su reino, 1988), 145. For Soto and Menchaca as Tavera associates, see Girón, *Crónica del emperador*, 83. For Tavera's support of Muñoz de Salazar, see AGS, Estado, leg. 15, fol. 28.

not yet have more associates in Granada than Charles, but he had more in the Chancery than did Cobos and the other leaders of the Council of Castile. A year after the audit, Tavera had placed a minimum of six judges in Granada. However, problems quickly arose due to the changes of 1530. Avellaneda soon found faults with his staff and clashed with a majority of the judges. Tavera wanted to send an auditor to interrogate the president and the judges in order to determine the cause of their conflict, but he had a difficult time finding an appropriate auditor, for available candidates were too young and experienced auditors claimed the audit was inconvenient.[118] Not until the beginning of 1533 did Tavera convince Pedro Pacheco to leave for Granada.[119] Pacheco, who had been promoted to the episcopacy of Mondoñedo in September 1532, had to finish a series of audits before going to Granada.[120]

Typically, audits led to higher-level changes in the bureaucracy which resulted in a 'ripple effect.' The makeover of the appellate court of Granada began with the appointment in 1533 of a new president, Gerónimo Suárez de Maldonado, who replaced Avellaneda. The bishop of Mondoñedo since July 1525, Suárez de Maldonado had moved to the episcopacy of Badajoz, a richer see, in March of 1532. Tavera had been urging Charles to consider Suárez for an important office, and after Pacheco's audit of 1533 Charles responded.[121] Judicial politics was a competitive business that, due to its many promotions and audits, did not cripple the system but rather invigorated it with new talent and engendered the professional experience that the citizens of the cities expected judges to have. Tavera's support of candidates was part of the overall vehicle of reformist government based on audits.

Tavera's Sponsorship: The 1530s

The pattern of Tavera's sponsorship is apparent in the investigative operation he initiated in 1532–1533. His strategy consisted of an audit by one of his closest associates, followed by the presidential promotion

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[118] Tavera to Cobos, 27 Nov. 1530, AGS, Estado, leg. 21, fol. 10; Estado, leg. 24, fol. 184; Estado, leg. 24, fol. 196, 15 Oct. 1532, "relación en repuesta."

[119] Tavera to Charles, Madrid, 5 Jan. 1533, AGS, Estado, leg. 27, fol. 128; Estado, leg. 26, fols. 42–43, 5 Jan. 1533, *relación* of Tavera and Vázquez.

[120] On Tavera' support for Pacheco's elevation to Mondoñedo, see AGS, Estado, leg. 24, fol. 187, Tavera to Charles, Medina del Campo, 20 Feb. [1532].

[121] Tavera to Charles, Madrid, 6 June 1530, AGS, Estado, leg. 20, fols. 15–18, fol. 17; Charles to Tavera, 30 Sept. 1530, Estado, leg. 21, fols. 356–358.

of an associate, and completed by a set of appointments of candidates, who had his strong support, to the lower judiciary. Tavera had the ability to process audits, but he did not protect his associates from them. Charles returned to Spain in 1533, and he spent the following year considering judicial redeployment, among many other issues. Following the appointment of Suárez de Maldonado, for example, Tavera sent Cobos a list of jurists so that they could assist Charles in appointing a judge for the Chancery of Granada.[122]

Tavera assigned Licentiate Pedro Pacheco to complete the audit of the Chancery of Granada, which he carried out in 1534.[123] The audit led to the removal of a number of Tavera's associates. Since Licentiate Luzón and Licentiate Mogollón were incapable of working together, Charles took them out of Granada. Luzón was reinstated in 1537 as a criminal judge in Granada and Mogollón seems not to have found new employment in the royal bureaucracy.[124] Since Licentiate Pisa had disputes with notables of Granada and staff members of the chancery, he too had to leave.[125] Tavera had previously supported Pisa, but Pacheco's audit deemed Pisa to be unsuitable for advancement.[126] Subsequently, Licentiate Pisa decided to defend the interests of one of Charles' favorites, the marquis of Cenete, who had been complaining about the pace of his lawsuit against Antonio Fonseca, the archbishop of Toledo.[127]

In the audits that Tavera initiated, the practice of rotation remained in force. Licentiate Pisa was not eliminated from royal service; instead he was transferred to Valladolid. Other judges taken out of Granada

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[122] Tavera to Charles, Madrid, 6 Sept. 1533, AGS, Estado, leg. 27, fol. 134.

[123] On Pacheco's audit order, see Estado, leg. 27, fol. 213, the bishop of Mondoñedo to Charles, Madrid, 22 June 1533: "yo vine con el cardenal (Tavera) como VM me mando y dije a los del consejo la voluntad de VM tenía a que se despachase la visita de Valladolid." For the audit of late 1534, see Estado, leg. 30, fols. 109–111, Tavera to Charles, 4 Dec. [1534]; Girón, *Crónica del emperador*, 52.

[124] On Luzón, see AGS, Estado, leg. 13, fol. 192; Gan Giménez, *La real chancillería de Granada*, 272.

[125] AGS, Estado, leg. 35, fol. 19, the Council of Castile to Charles, Valladolid, 14 July 1536; CDCV, 1:511.

[126] For Tavera's support of Pisa, see AGS, Estado, leg. 15, fol. 22.

[127] On Pisa's handling of the case, see AGS, Estado, leg. 19, fol. 15, Antonio Fonseca to Charles, Madrid, 19 July 1530; Estado, leg. 20, fol. 175, Tavera to Cobos, 23 June [1530]. Charles told Tavera to advance the lawsuit in order to favor his vassal (Estado, leg. 20, fol. 275, Charles to Tavera, Bologna, 9 March 1530: "marqués de Cenete se queja mucho de la dilación de su pleito…vos sabeys muy bien que aunque en todo lo que le toca tenga voluntad de le hacer merced como es razón y el lo merece").

included Licentiate Soto, Licentiate Álava, Licentiate Gutierre Velázquez de Lugo, and Licentiate Francisco de Menchaca.[128] Licentiates Soto, Pisa, and Menchaca went to Valladolid, and of these candidates only Pisa had the overt support of Tavera.[129] Licentiate Menchaca went on to be a judge in the king's court (*casa y corte*) and eventually in 1551 became one of Philip II's councilors on the Council of Castile.[130] Charles placed Licentiate Álava in the Council of the Military Orders of Calatrava and Alcántara and granted him the habit of the order of Calatrava.[131]

Audits usually initiated a game of musical chairs. The beneficiaries in these audits were associates of Tavera who had not acquired bad reputations. Tavera obtained promotions for his associates who had endured audits; these included Dr. Peñaranda, whom Tavera used to audit the *audiencia* of Galicia and whom Avellaneda considered avaricious.[132] Nevertheless, the judicial appointments sent to Granada were strong candidates approved by the judicial committees, which included the Council of Castile, President Tavera, the archbishop of Seville, González de Polanco, and Cobos.

Licentiate González de Polanco, Tavera, and Juan Vázquez de Molina were the ministers of the most important committee of the Council of Castile, the *cámara de Castilla*, which short-listed solicitations for *mercedes* ranging from offices to tax privileges. Regarding judicial appointments, however, Tavera stood above the other members of the *cámara*. In 1535 the Chancery of Granada was a Tavera stronghold of judges who had gone through the management procedures. The president, Jerónimo Suárez de Maldonado, and ten judges were his associates. There was a minimum of eighteen judges at the Chancery of Granada.[133] Three

[128] AGS, Estado, leg. 13, fol. 186, Madrid, 1535.

[129] AGS, Estado, leg. 15, fol. 15, fol. 28, Palencia, 1527. Tavera apparently had personal ties with Menchaca and Soto (Girón, *Crónica del emperador*, 83). Accounts of personal contacts are rare and I have not found any archival evidence of social ties. Girón's chronicle is unique in providing details that official documents lack.

[130] Gan Giménez, *La real chancillería de Granada*, 281; Gan Giménez, *El consejo real de Carlos V*, 247–248.

[131] Girón, *Crónica del emperador*, 53.

[132] AGS, Estado, leg. 26, fol. 28, 5 Jan 1533?

[133] For the 1535 estimate, see AGS, Estado, leg. 13, fol. 186 and fol. 189. The bishop of Tuy's audit revealed 20 judges in Granada (Estado, leg. 13, fol. 156). According to Garriga, the chancery of Granada consisted of ten civil case judges, three criminal justices, two judges of *hidalguía*, a royal prosecutor, and an auxiliary of law graduates and functionaries. *La audiencia y las chancillerías castellanas*, 249–255, passim.

ministers of the Council of Castile, Licentiate Aguirre, Licentiate González de Polanco, and Juan Vázquez de Molina did not have as much influence in the appellate system, because each had only one associate in the Chancery of Granada. As early as 1527 González de Polanco had supported the judge Licentiate Andrés Ramírez de Alarcón;[134] yet Ramírez de Alarcón was also an associate of Tavera's.[135] One of Charles' ministers of the *cámara de Castilla*, Juan Vázquez de Molina, had one associate in Granada: his brother-in-law, Licentiate Muñoz de Salazar.[136] Tavera got chancery jobs in Granada for ten of his teammates.[137] No one came close to Tavera's ability to secure positions for his associates in the Chancery of Granada.

Tavera supervised judges in Granada, and those who performed their duties well advanced.[138] Licentiate Jerónimo de Briceño, for example, owed his career to Tavera, as did other graduates of Salamanca.[139] Briceño overcame all of the professional obstacles, from judge to auditor and councilor of the Council of Castile.[140] In the summer of 1526, Charles advanced Tavera's embryonic regime by placing Briceño in the Chancery of Granada.[141] Briceño went to Navarre for a term and became a judge in the king's household (*casa y corte*) in 1536.[142] In 1537 he audited and then served as interim judge in Seville.[143] Briceño culminated his career by reaching the Council of Castile in 1538.[144]

Charles was not going to let Tavera monopolize the judiciary, but he could not prevent judges and lawyers from associating with Tavera and thus seeking promotion; Tavera was, in the end, Charles' judicial conscience. Charles was a foreigner and was always away on imperial

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[134] AGS, Estado, leg. 15, fol. 28, Palencia, 1527.

[135] AGS, Estado, leg. 24, fol. 389, Tavera to Charles, "memorial de letrados"; Estado, leg. 15, fol. 11 and fol. 14; Estado, leg. 27, fol. 112, *consulta* of the Council of Castile, Madrid, 23 Aug. 1533.

[136] Gan Giménez, *La real chancillería de Granada*, 294.

[137] The cast included Licentiate Briceño, Licentiate Galvez, Dr. Peñaranda, Licentiate Muñoz, Licentiate Zárate, Licentiate Montalvo, Licentiate Ramírez de Alarcón, Dr. Bartolomé Miguel de Ribera, Licentiate Juan de Castilla, and Licentiate Verdugo.

[138] For the promotions of judges of the Chancery of Granada, see Tables 4.1 and 4.2.

[139] AGS, Estado, leg. 24, fol. 389, Tavera to Charles.

[140] For a short biography, see Ezquerra Revilla, "Briceño, Jerónimo de," 3:68–69.

[141] AGS, Estado, leg. 14, fol. 249.

[142] For his term in Navarre, see AGS, Estado, leg. 13, fol. 196. For his appointment to the *casa y corte*, see Girón, *Crónica del emperador*, 63.

[143] Girón, *Crónica del emperador*, 127; Ortiz de Zúñiga, *Anales de Sevilla*, 3:371.

[144] Gan Giménez, *El consejo real de Carlos V*, 276.

business. Although deeply committed to Castile's institutional health, the king would, in later years, depend upon Tavera and his associates to run the system. So the career-minded men with law degrees knew who the key players were. In many cases, such as the career of Briceño, an alliance with Tavera proved to be rewarding.

Charles tried to get other ministers of the Council of Castile involved in the management of judicial offices. Upon his return to Spain in 1522, Charles acquired the habit of depending on select leaders to assist in judicial appointments. For example, Charles asked Licentiate Fortún Ibáñez de Aguirre of the Council of Castile to provide him with the names of qualified judges.[145] But Ibáñez de Aguirre's influence was not as dominant or as long-lasting as Tavera's. Ibáñez de Aguirre successfully placed two of his associates in the Chancery of Granada in the year 1535. Since 1527 Ibáñez de Aguirre had been trying to get one of them, Licentiate Esquivel, a position in either of the two chanceries.[146] Licentiate Esquivel continued to serve in the *audiencia* of Galicia and finally landed a judicial post in Granada in 1535.[147] Aguirre's other associate in the Chancery of Granada was Licentiate Verdugo.[148] However, Tavera also supported Licentiate Verdugo, and when Tavera supported an associate of one of his fellow colleagues of the Council of Castile, he diminished his competitor's leverage.[149] Thus, Aguirre's ability to assert himself as a provider of jobs decreased while Tavera's own power grew. The growth of Tavera's network may have led to infighting with Ibáñez de Aguirre;[150] what is clear is that when Charles asked the councilors of the Council of Castile for candidates to serve in his appellate system, the councilors, in this case Tavera and Ibáñez de Aguirre, did not let their personal differences get in the way of the recruitment of judges. Tavera recruited Licentiate Verdugo from Navarre (where he was a criminal judge in the Council of Navarre), while Ibáñez de Aguirre too had taken notice of Verdugo.

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[145] AGS, Estado, leg. 15, fol. 28, Palencia, 1527.
[146] Ibid.
[147] AGS, Estado, leg. 13, fol. 186, Madrid, 1535.
[148] AGS, Estado, leg. 15, fol. 28, Palencia, 1527.
[149] Ibid.; Estado, leg. 15, fol. 12 and fol. 22.
[150] For Tavera's own explanation of his conflict with Aguirre, see AGS, Estado, leg. 18, fols. 61–64, fol. 62, Tavera to Charles, Toledo, 13 April 1529?

Conclusion: Sponsorship and Responsibility

In the early years of the Tavera regime, judicial sponsorship entailed responsibility. To rebuild government, it was essential to ensure that the criteria for retaining a judgeship were related to outstanding judicial performance. If men wished to obtain *mercedes* they had to make sacrifices, providing years of untarnished judicial service. Charles' duty to appoint competent and qualified judges placed the burdens of industry, self-sacrifice, and perseverance upon the recipient, but it also assured people that Charles was judicious in his rewards. In this competitive field, an alliance with Tavera was often the key to success, but the alliance entailed the scrutiny of audits and rotation.

Charles became a strong king through the administration of good justice because he knew on whom he could depend. He followed the advice of his judicial experts and this proved to be one of his great achievements as a ruler. By relying on the recruitment abilities of Tavera, Galíndez, Ibáñez de Aguirre, Gozález de Polanco, and Medina, Charles accomplished two goals: he reduced partisanship and provided ambitious men with influential offices and upward mobility (possibly to ecclesiastical offices), thus giving the cities a judiciary they trusted and used with frequency. When people demanded justice, direct royal intervention was not what litigants wanted; rather, they sought an autonomous institution that functioned according to the standards and procedures implemented by the Council of Castile.[151]

The Success of Reform: President Tavera's Authority and the Chancery of Valladolid

The Chancery of Valladolid was more than an appellate court. A main hub for the rotation of judges, the chancery consisted of twelve civil case judges (*oidores*), three to four criminal judges (*alcaldes del crimen*), a royal prosecutor (*procurador fiscal*), two judges for cases stemming from the tax-exempt of the Basque country, and two judges for cases deal-

[151] Owens claims that Charles improved the law courts "to heighten their prestige" especially alter the *comunero* revolt. He adds that "Charles went beyond the reforms of the Catholic Monarchs and reduced the Council of Castile's role in actual judicial proceedings in order to avoid the appearance of or opportunity for undue influence from territorial aristocrats surrounding the monarch and his Court" (*Authority*, 118).

ing with the claims of the tax-exempt of Castile (*alcaldes hijosdalgo*). The Chancery served Tavera's associates well; they moved in and out of Valladolid over the course of their careers (see Tables 3.1, 5.1, and 5.2). Tavera's first job with the Habsburgs was as president of the Chancery of Valladolid, but he did not stay there long (1523–1524), because Charles needed him to run the entire judiciary. Tavera considered it necessary to jump-start the regime at once with an audit of Valladolid in 1524. Audits of the chancery there became important occasions for personnel reshuffling, recruiting presidents (see Table 3.1), and grooming of judges for candidacy to the councils of the Spanish empire.

Mendoza's Audit of 1525

Francisco de Mendoza, a royalist who fought against the *comuneros*, audited the appellate court of Valladolid.[152] Completed in the fall of 1525, Mendoza's eighty chapters were tame in their evaluation of the president and civil case judges, while at the same time he was critical of the special judges of the tax-exempt subjects of Vizcaya and the secretaries and reporters of the Chancery.[153] After the audit, Charles appointed a new president in February 1526, the bishop of Badajoz, Pedro González Manso, one of Tavera's strongest allies.[154] Tavera and González Manso's association dated back to their days together on the Council of the Inquisition, when Fernando of Aragon held his own in Castile by nurturing relationships with prelates and clerics groomed during Isabel's reign. González Manso had just been appointed, so the directives of the audit were essentially guidelines he had to implement.

As expected, the audit prompted personnel changes; but it also exposed the ties that Tavera had already established in Valladolid. In the spirit of the audit, González Manso began his presidency by taking an inventory of the Chancery's personnel.[155] Out of the eleven civil case judges in the inventory, four remained long-time Tavera associates (see

[152] Santa Cruz, *Crónica del emperador*, 1:472.

[153] ACHV, 1765, fols. 214r–223r, Toledo, 5 Sept. 1525; AGS, Cámara de Castilla, leg. 2720, sf.

[154] AGS, Estado, leg. 14, fol. 231. Henar Pizarro Llorente and José Martínez Millán, "González Manso, Pedro," 3:183–185.

[155] AGS, Estado, leg. 14, fol. 25, the president of Valladolid to Charles, Valladolid, 10 Dec. 1526.

Tables 5.1 and 5.2).[156] One of Tavera's candidates, Dr. Luis de Corral, became an adversary. Corral rose to be a councilor on the Council of the Military Orders and the Council of Castile.[157] He took advantage of Tavera's decline in 1539 when Charles appointed Fernando de Valdés to the presidency of the Council of Castile (Tavera was no longer the president, which allowed Corral to deal with President Valdés). A battle between Tavera and Corral ensued, resulting in Corral's banishment from court.[158]

Two of the eleven civil case judges disappeared from royal service, three became councilors of the Council of Castile (Pedro Manuel, Luis de Corral, and Gaspar de Montoya), three advanced to the Council of the Indies (Pedro Manuel, Rodrigo de la Corte, and Gaspar de Montoya), and one served on the Councils of the Military Orders (Juan Sarmiento).[159] In short, only six of the eleven civil case judges obtained posts on the councils, and Tavera supported four of these six. Ultimately, out of the nineteen judges audited, seven advanced, the seventh being Cristóbal Alderete, a Tavera nominee who became a councilor of the Council of Castile in 1538.

The fact that one-third of audited judges advanced to the councils indicates a determination on the part of Charles to use audits comprehensively, as a way to sift out judges for consideration for future vacancies in the councils, to rotate judges around the appellate circuit, and to remove them. A few did not advance, but not always because of unfavorable assessments: some seemed to have preferred their station in life as judges in the chanceries. For example, Licentiate Fernán Suárez did not have a high profile presence in the judicial system. Tavera had recommended him to judgeships in the appellate courts.[160] Suárez also

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[156] Licentiate Contreras, Licentiate Francisco de Isunza, Licentiate Fernán Suárez, and Licentiate Gaspar de Montoya.

[157] AGS, Estado, leg. 14, fol. 245 and fol. 247; Patronato Real, leg. 26, fol. 28.

[158] The newly nominated president and former associate of Tavera, Fernando de Valdés, had to intervene in the ongoing conflict between Corral and Tavera. Fernando de Valdés to Charles, Madrid, 10 May 1540, AGS, Estado, leg. 50, fol. 244; CDCV, 2:61–63, 62.

[159] The two who disappeared are Pedro González and García de Ribera. Pedro Manuel was the same councilor of the Indies and Castile. He advanced to the Council of the Indies after he represented Charles in his claim to the Malacca Islands against the king of Portugal. Sandoval, *Historia del emperador*, 81:40–41. He died in 1528 just when Charles had appointed him to the Council of Castile. Gan Giménez, *El consejo real de Carlos V*, 246.

[160] AGS, Estado, leg. 15, fol. 28, Palencia, 1527.

came up in 1526 for the presidency of Granada.[161] He went to Granada to hear civil case suits and later held a judgeship in Valladolid, where he remained.[162] Another instance was the case of Sebastian de Peralta, who remained in Valladolid until his replacement in 1535.[163] An audit of the Chancery of Valladolid in 1534 revealed that Sebastián de Peralta "had many conflicts" (*pleitos*) and he was sent south to the Chancery of Granada where he died the following year.[164]

Those who found themselves working with the presidents of the councils had long careers, and their promotions came as a reward for years of judicial service. Licentiate Isunza came from Vizcaya and began as an appellate judge in Galicia no later than 1524.[165] Cobos (and apparently Gattinara) reviewed his record and placed him in Valladolid where he remained until 1530.[166] When the bishop of Ciudad Rodrigo (Gonzálo Maldonado), a leading member of the Council of the Indies, died in June 1530, Tavera recruited Isunza to fill his vacancy on the Council of the Indies.[167] Subsequently, the president of Valladolid wrote to Charles that he needed replacements due to Isunza's promotion.[168] Charles granted the president his wish by sending him an associate of both Tavera and González de Polanco, Licentiate Pedro Mercado de Peñalosa, the criminal judge in Granada.[169]

Gaspar de Montoya was typical of the sort of men Tavera hand-picked for judicial posts; he began his career as a civil case judge in Valladolid and ended it on the Council of Castile and its subcommittee of *merced*, the *cámara de Castilla*.[170] In 1526 Montoya held a judgeship in Valladolid and the following year he worked on the Council of the

[161] For his nomination to the presidency, see Estado, leg. 14, fol. 225, 1526.
[162] AGS, Estado, leg. 15, fol. 22.
[163] AGS, Estado, leg. 13, fol. 186, Madrid, 1535.
[164] Girón, *Crónica del emperador*, 40.
[165] AGS, Estado, leg. 12, fol. 224, 1524, "memorial para oidores en Valladolid y Granada."
[166] AGS, Estado, leg. 13, fol. 41.
[167] Tavera to Charles, Madrid, 15 Sept. [1530], AGS, Estado, leg. 20, fol. 248.
[168] The president of Valladolid to Charles, Valladolid, 21 Feb. 1531, AGS, Estado, leg. 23, fol. 95.
[169] The president of Valladolid to Charles, Valladolid, 30 May 1531, AGS, Estado, leg. 22, fol. 101; Girón, *Crónica del emperador*, 11. For Tavera's influence on Mercado's advancement to the Chancery of Granada, see Estado, leg. 15, fol. 28. For Polanco's recommendation, see Estado, leg. 15, fol. 35.
[170] For his advancement, see Girón, *Crónica del emperador*, 73; Gan Giménez, *El consejo real de Carlos V*, 249.

Indies.[171] "Licentiate Montoya, whom your majesty promoted in Valladolid (he served as an *oidor*), is a very good jurist and they say [in Granada] that he does what a judge is supposed to do."[172] Montoya remained a dominant figure for years. Along with González de Polanco of the Council of Castile, Montoya nominated judges for vacancies in the chanceries and signed powers of attorney for the Empress when Charles went on his Mediterranean campaign in 1535.[173] The president of the Council of the Military Order of Santiago wanted Montoya to serve on his council, but Montoya instead went to work on the Council of Castile with Tavera.[174] After Tavera sponsored him for the Chancery of Valladolid, Montoya obtained a doctorate and was a professor of law at the University of Salamanca.[175] As a councilor of the Council of Castile, Montoya helped Tavera handle delicate cases, including the scandalous elopement of the heir to the dukedom of Nájera that split the major nobles in the Empress' Court into two camps.[176] Also, when Charles needed money during the regency of 1529–1532, he had Montoya negotiate with the Welser banking firm for the leasing of the military masterships.[177]

Tavera and President Manso shared management and recruitment skills that facilitated an extensive review of professional and academic records of competent personnel. Tavera's and Manso's experience extended to the reign of the Catholic Monarchs and they graduated from the same faculties of law during the time when Queen Isabel of Castile began to reform her government and the appellate courts. A doctor of canon law from the University of Valladolid and scholarship student from the prestigious College of Santa Cruz, Pedro González Manso presided over the Chancery between 1525 and 1535. Having

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[171] On Valladolid, see AGS, Estado, leg. 13, fol. 47. On the Council of the Indies, see Gan Giménez, *El consejo real de Carlos V*, 249; Shäffer, *El consejo de las Indias*, 1:58.

[172] AGS, Estado, leg. 15, fol. 18, Valladolid, 1527, "las personas que a mi se me ofrescen con alguna habilidad." This unsigned document reflects Tavera's preference for Montoya but I cannot confirm that it is his hand or one of his secretaries.

[173] On his authority to nominate judges, see AGS, Estado, leg. 13, fol. 188. For his signature of the Empress' powers of attorney, see Patronato Real, leg. 26, fol. 36, Madrid, 1 March 1535.

[174] The count of Osorno to Charles, 6 Oct. 1526, AGS, Estado, leg. 14, fol. 248; Estado, leg. 15, fol. 27. For Montoya's transfer from the chancery of Valladolid to the Council of Castile, see Estado, leg. 16, fol. 450, Madrid, 1528, "nombramiento de personas para el consejo y para las audiencias."

[175] AGS, Estado, leg. 15, fol. 25.

[176] AGS, Estado, leg. 12, fol. 46, the Council of Castile to the Empress.

[177] AGS, Estado, leg. 15, fol. 55 and fol. 57, 1530?

served under King Fernando of Aragon as inquisitor general, a position he obtained through the influence of Diego de Deza, Tavera's uncle who also advanced Tavera's ecclesiastical career, González Manso was an auditor of tribunals and bishoprics.[178] Tavera may have had some influence in the matter of González Manso's appointment to the Chancery in 1525. The two men shared similar educational and professional paths paved by the same power brokers, Diego de Deza and Pedro González de Mendoza, and both acquired ecclesiastical and political assignments during the regency of King Fernando. The beginning of Manso's presidency was already marked by Tavera's dominance of the Chancery of Valladolid. In 1526 four of the civil case judges were Tavera associates.[179] Tavera also had three judges under his wing: the criminal judge, Licentiate Zárate, the judge handling cases from Vizcaya, Licentiate Alderete, and one of the judges of *hidalguía*, Dr. Argüellas.[180] In short, in 1526 seven of the seventeen judges in Valladolid had gained their positions with Tavera's support.

These judges were more likely than the other judges of Valladolid to obtain higher positions in the administration. Immediately after the audit of 1524–1525, Tavera gave Charles short lists of judges for advancement.[181] All of them had important positions in Tavera's game of judicial musical chairs. Diego Escudero, for example, was moved from Granada to Valladolid in 1527. During the regency in 1529–1532, Escudero found himself again in Granada, but he encountered the animosity of the president and judges.[182] By the time of his return to Castile in 1533, Charles had appointed Escudero to the Council of Castile.[183] Charles then transferred Escudero to Valladolid to serve as the royal prosecutor (*fiscal*) stationed at the Chancery there.[184] The

[178] AHN, Inquisición, libro 572, fol. 109r-116r; Pizarro Llorente and José Martínez Millán, "González Manso, Pedro," 3:183–185.

[179] For lists of judges of the Chancery of Valladolid, see tables 5.1 and 5.2.

[180] For Zárate's reference, see AGS, Estado, leg. 24, fol. 170, Tavera to Charles, 19 Aug. 1532. For Alderete, see Estado, leg. 15, fol. 28, Palencia, 1527; Estado, leg. 14, fol. 231 (Licentiate Alderete continued to work in Valladolid and was elevated to hear civil case suits). For Argüellas, see Estado, leg. 15, fol. 28, Palencia, 1527.

[181] For Licentiate Mogollón and Licentiate Muñoz, see AGS, Estado, leg. 15, fol. 11, [1526]. For Briceño, Dr. Escudero and Dr. Nava, see Estado, leg. 14, fol. 249.

[182] AGS, Estado, leg. 22, fols. 284–286, Charles to Tavera, Brussels; 27 Jan. 1531; Estado, leg. 24, fols. 349–351, Tavera to Charles, 14 Nov. 1531?

[183] AGS, Estado, leg. 13, fol. 168. For some biographical details, see Domínguez Rodríguez, *Los oidores de la chancillería de Valladolid*, 42–43.

[184] AGS, Estado, leg. 26, fol. 28, Tavera to Charles, 5 Jan. 1533?

shifting of Escudero was part of the overall program to rotate judges, finding good fits, allowing judges to gain experience, and also replacing judges in courts where their service was required.

Tavera's presidential rank allowed him to use Valladolid as a testing ground for judges, as a vehicle of promotion, or as an opportunity for a candidate to work in another place. By the end of 1527 Tavera had enlarged his group of competent judges. For example, in 1526 Pedro de Nava wanted to leave Granada.[185] When the court arrived in Valladolid in 1527, Charles transferred judges; he recruited Nava for the chancery there.[186] By the end of the regency of 1529–1532, Nava was at the end of his career and Tavera wanted Nava to complete his services with an ecclesiastical benefice.[187] Nava remained in Valladolid, his native town, and continued to work there in spite of his poor health.[188] Seven years after he hoped to retire, Nava apparently did not get a benefice, since there were too few to be offered to every retired judge.[189] Years of service did not entitle one to a choice pension; rather, service consisted of sacrifice and dedication, with the hope that a reward of sorts might come one's way.

By 1527, the Chancery of Valladolid had seen an increase in Tavera associates, from four civil case judges to six.[190] Tavera had supported at least eight of the judges who filled chancery vacancies, including Dr. Corral, his future enemy. However, Tavera's influence was not limited to his support of judges. The count of Osorno was one of Tavera's partners in the royal court.[191] Osorno was president of the Council of the Military Order of Santiago from 1526 to 1546.[192] In 1529 Charles nominated Osorno to share the presidency of the Council of the Indies with Charles' confessor, García de Loaisa; Osorno held this office until

[185] AGS, Estado, leg. 14, fol. 249.

[186] AGS, Estado, leg. 15, fol. 14, *consulta*, Valladolid, 1527.

[187] AGS, Estado, leg. 24, fol. 208, Tavera to Cobos, 28 May 1532.

[188] AGS, Estado, leg. 38, fol. 80, Charles to Tavera, 3 Aug. 1536. On his health, see Estado, leg. 38, fols. 215–216, Tavera to Charles, 7 Aug. 1536.

[189] AGS, Estado, leg. 13, fol. 200.

[190] For Tavera's associates in the Chancery of Valladolid, see tables 5.1 and 5.2.

[191] For Tavera's approval of a *merced* Charles granted to Osorno, see AGS, Estado, leg. 24, fol. 179, 9 Aug. 1532, Tavera to Charles: "Conde Osorno tiene esperanza que VM le hará merced de la encomienda mayor por haber sido de su padre…lo tengo por muy buen servidor."

[192] Pizarro Llorente, "Fernández Manrique, García (III conde de Osorno)," 3:126. There were two presidents, one for the Order of Santiago and the other for the Orders of Calatrava and Alcántara.

1542. At the same time as he was rising in Charles' administration, Osorno helped his associates obtain chancery jobs. In 1527, Osorno had three of his judges in Valladolid: Licentiate Castro, Licentiate Perero, and Dr. Escudero, who also had won over Tavera and a minister of the Council of Castile, Licentiate Medina.[193] In effect, the Osorno and Tavera alliance extended to the Chancery of Valladolid where at least twelve judges were their associates.

Mendoza's Audit: Legal and Management Changes

As already noted, the three audits of Granada in 1522–1523, 1530, and 1532–1533 were opportunities for judges to gain experience, move on to preferable locations, or advance. The completion of the audit of Valladolid of 1524–1525 was just as effective; it resulted in considerable mobility in the judiciary. In his audit of 1524–1525, Francisco de Mendoza highlighted the chancery's habit of slow proceedings and delays that put pressure on Charles to appoint more judges.[194] Mendoza warned judges to suppress the influence of the powerful nobles and to be diligent with the small claims of the indigent; success in this area, however, would depend upon Charles' obligation to pay his judiciary, especially fulfilling his commitment to build a reputable chancery by making it into a rewarding service career.[195] Charles thus had to reward deserving judges with *mercedes*. Most importantly, Mendoza said, these legal reforms must be supported by management changes in the chanceries, in particular policies to recruit and to test judges. To back up the measures suggested in Mendoza's audit, Charles issued a series of laws that the new president and incoming judges of Valladolid had to apply.[196] Civil case and criminal judges, for example, must not make judgments by default. The court had to maintain judicial independence free from seigniorial influence or direct intervention from a powerful government or royal patron. The basic principles involved judicial procedures and management policies to provide equitable justice. Since there was no single law code in Castile, judges had to acquire or process, depending

[193] For Osorno's support of Dr. Escudero, see AGS, Estado, leg. 15, fol. 33. For Perero, see Estado, leg. 15, fol. 28, Palencia, 1527; Pizarro Llorente, "Perero de Neyra, Diego," 3:330. For Castro, se Estado, leg. 15, fol. 33.

[194] ACHV, 1765, fols. 214v, chapter 2.

[195] ACHV, 1765, fols. 214v, chapters 8 and 9.

[196] AGS, Diversos de Castilla, leg. 1, fol. 67, Granada, 31 Aug. 1526.

on the case evidence, unique local knowledge of laws. Time was necessary for a case to proceed. Judges gathered every day (except holidays) for three or more hours and went over the evidence, but there were personnel changes in the court, and litigants endured additional delays caused by depositions and new evidence. The process of justice was thus a long haul, and its institutions were stretched to their limits. By far the most pressing problem, especially after the *comunero* wars, was not the quality of judges but the quantity.

President Tavera focused on personnel change. Tavera waited until the audit had been completed, and then he enabled justices to make their move to preferred courts, reviewing the service history of candidates in order to make evaluations for Charles' approval. As has been noted, Tavera rotated *letrados* and prelates with many years of experience and recruited lawyers with advanced degrees but little experience. The Valladolid audit of 1525 initiated the reorganization of Tavera's network, mixing experienced judges with relative newcomers. In 1528, for example, there were four newcomers in Valladolid: Licentiate Suárez de Carvajal, Licentiate Escalante, Licentiate Girón and Dr. Arteaga.[197] Of the four, Suárez de Carvajal was the best positioned as he had gained the favor of Galíndez and Tavera.[198]

By 1530 the Chancery of Valladolid had been stabilized, partly because the Tavera alliance amounted to a management control of over fifty percent. According to Pedro González Manso, the president of the Chancery of Valladolid, the bishop of Badajoz, and associate of Tavera, "the cases of this chancery are moving along, all of the litigants are quite content, and everyone is in a state of peace and tranquility."[199] He was additionally pleased to have received from Charles the offer of the bishopric of Salamanca, which he rejected, deciding to wait for another see.[200]

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[197] Cilia Domínguez Rodríguez, *Los alcaldes de los criminal de la chancillería castellana* (Valladolid: Diputación Provincial de Valladolid, 1993), 41–42.

[198] For Galíndez's support of Suárez de Carvajal, see AGS, Estado, leg. 15, fol. 13. For Tavera's pick of Suárez Carvajal for the judgeship in Valladolid, see Estado, leg. 15, fol. 12. Suárez de Carvajal gained an entry into the judicial system in 1526 at the Chancery of Granada (AGS, Estado, leg. 13, fol. 21). Evidence of personal connection is not available.

[199] Bishop of Badajoz to Charles, Valladolid, 4 May 1530, AGS, Estado, leg. 20, fol. 32.

[200] Bishop of Badajoz to Charles, Valladolid, 15 Oct. 1529, AGS, Estado, leg. 20, fol. 31.

The Audit of 1530

The audit ordered in 1530 was not based on an internal political struggle or an array of complaints, but it revealed people's preference for the royal appellate system (and thus the volume of cases that overwhelmed this institution). The worst situation concerned the councils of the military orders. Charles wrote a letter to Tavera about the 'innovations' endured by military commanders who complained that their subjects had been sending their appeals to the Council of Castile and the chanceries, instead of appealing to the commanders or the councils of the military orders.[201] Not only were villagers, under the jurisdiction of the military orders, bypassing the *justicia* (or ecclesiastical judge) and the *alcalde mayor*, they were also circumventing the special councils of the military orders. These criticisms were not complaints directed at the chanceries; rather they showed the preference of litigants under ecclesiastical jurisdiction to have their complaints filed in royal courts.

Manso's presidency was a success and he remained for an additional five years, until 1535. His replacement was Licentiate Fernando de Valdés, a rising star Tavera had long ago recruited and who later, in 1539, came to replace Tavera as president of the Council of Castile. Manso retained the support of Tavera by accepting the audit of 1530 as part of the regime's fulfillment of the numerous petitions of the cities. In particular, appellate courts had to be audited on a regular basis. Tavera took advantage of this demand for audits, converting them into recruitment opportunities.

For the 1530 audit of Valladolid, Tavera recommended Pedro Pacheco.[202] According to Tavera, Pedro Pacheco "is a person with very good letters, a fine human being, and discerning. He gets the job done, and is motivated by principles."[203] Pacheco was one of Tavera's most active allies in the judiciary. He accepted the appointment and by August of 1530 was on the road to Valladolid to audit both the

[201] Charles to Tavera, Mantua, 4 April 1530, AGS, Estado, leg. 21, fols. 267–268, fol. 268.

[202] Tavera to Charles, Madrid, 6 June 1530? AGS, Estado, leg. 20, fol. 16.

[203] In 1518, Pacheco had earned a doctorate in Roman and canon Law from the University of Salamanca, and went to Rome with Adrian of Utrecht in 1522. For details, see Ángel Martín González, *El Cardenal don Pedro Pacheco, obispo de Jaén, en el concilio de Trento: un prelado que personificó la política imperial de Carlos V*, Instituto de Estudios Giennenses, 2 vols. (Jaén: CSIC, 1974), vol. 1.

chancery and the University of Valladolid.[204] The previous year Pacheco had audited the University of Salamanca and reported to Charles that he had accomplished his commission.[205]

By November of 1530 Pacheco was halfway through the audit, and Tavera, not expecting any problems to arise, pushed Charles to grant Pacheco an ecclesiastical benefice.[206] Charles responded by giving Pacheco a deanery in Santiago.[207] Charles retained this minister of reform who had a promising portfolio, telling him that "I am very grateful and I will consider your services regarding the audit (*visitación*) that you have accomplished."[208] A year later, Charles advanced Pacheco to the episcopacy of Mondoñedo.[209]

This audit of 1530 did not lead to any immediate change, but Tavera's energy was unflagging and his management skills continued to reveal themselves. Two years later Tavera had increased the number of his associates in Valladolid. In 1531 Licentiate Contreras, a Tavera associate, died; Pedro Mercado de Peñalosa took his place.[210] Mercado, also a Tavera associate, had previously gained the attention of González de Polanco and Licentiate Aguirre of the Council of Castile.[211] Sometime after 1532, Tavera recommended judges for vacancies in Valladolid and Charles appointed at least five of his associates: Licentiate Diego de Mora, Licentiate Francisco de Montalvo, Licentiate Galarza, Dr. Collado and Licentiate Figueroa.[212] "The *letrados* for the chanceries," wrote Tavera to Cobos, "include the Licentiate Mora of the College of Valladolid (Santa Cruz), Licentiate Álava who is in Salamanca in the College of the bishop of Oviedo, and Licentiate Figueroa."[213] Mora began his studies in Alcalá, obtained his licentiate

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[204] Tavera to Charles, 17 Aug. 1530? AGS, Estado, leg. 20, fol. 252.

[205] Pedro Pacheco to Charles, Madrid, 12 Oct. 1529, AGS, Guerra Marina, leg. 2, fol. 129.

[206] Tavera to Charles, Ocaña, 15 Nov. 1530, AGS, Estado, leg. 20, fol. 136.

[207] AGS, Estado, leg. 24, fol. 187–188, Tavera to Charles, Medina del Campo, 20 Feb. 1532. For validation of the benefice, see DHEE, 3:1859.

[208] Charles to Pedro Pacheco, Brussels, 30 June 1531, AGS, Estado, leg. 23, fol. 199.

[209] Martín González, *El Cardenal don Pedro Pacheco*, 1:26.

[210] Girón, *Crónica del emperador*, 11; Esquerra Revilla and Pizarro Llorente, "Mercado de Peñalosa, Pedro," 3:282 (the authors place the appointment in 1530).

[211] For Tavera's note of reference, see AGS, Estado, leg. 15, fol. 12, fol. 22 and fol. 28. For Polanco, see Estado, leg. 15, fol. 35. For Aguirre, see Estado, leg. 15, fol. 28.

[212] AGS, Estado, leg. 24, fol. 389, Tavera to Charles, "memorial de los letrados."

[213] AGS, Estado, leg. 24, fol. 191, Tavera to Cobos, Medina del Campo, 18 Dec. 1532; Estado, leg. 24, fol. 389, Tavera to Charles, 1532? *memorial.*

in Roman law in Salamanca and received his doctorate in 1530.[214] In 1531 Tavera recruited him and he remained in Valladolid for most of his professional career, hearing cases in the Chancery while offering judicial services to the marquis of Villena.[215] While vice president of the Chancery of Valladolid, Mora also audited seigniorial courts in Burgos, León, and Palencia. An audit in 1533 led to some changes in Valladolid, but Mora stayed on, an indication that he was extremely well placed as Tavera's associate.[216] Tavera, who was himself a graduate of the College of Santa Cruz, showed a partiality toward Mora; this favor may also have stemmed from the fact that Mora was the son-in-law of one of Tavera's fellow councilors (but his future enemy) Dr. Corral, who himself had been a judge in the Chancery of Valladolid prior to his advancement to the Council of Castile in 1528.[217]

Licentiate Figueroa also appreciated being a Tavera associate.[218] Figueroa went on to serve multiple terms in Granada and Valladolid.[219] Figueroa followed the pattern of judicial musical chairs, waiting to be transferred after an audit.[220] As Tavera put it, "Licentiate Figueroa, the graduate of Salamanca and now vicar of Alcalá, is a superb jurist (*buenas letras*)."[221] In Valladolid, Figueroa went on to handle a very important case regarding the count of Benavente's lawsuit over his inheritance.[222] Another prominent jurist whose career trajectory illustrated Tavera's system of judicial choreography was Francisco de Montalvo, the graduate of Salamanca promoted by Tavera in 1533 after the audit of the

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[214] Ezquerra Revilla, "Corral, Luis del," 3:105, note 754.

[215] María de los Ángeles Sobaler Seco, *Catálogo de colegiales del colegio mayor de Santa Cruz de Valladolid, 1484–1786*, Historia y Sociedad, 86 (Valladolid: Universidad de Valladolid, Secretariado de Publicaciones e Intercambio editorial, Caja Duero, 2000), 83.

[216] AGS, Estado, leg. 13, fol. 189, 1535; Estado, leg. 27, fol. 213, the bishop of Mondoñedo (Pedro Pacheco) to Charles, Madrid, 22 June 1533.

[217] AGS, Estado, leg. 16, fol. 450. Tavera's battle with Corral did not precede 1535.

[218] There was another Licentiate Figueroa who eventually became the president of the Council of Castile in 1564. See Gan Giménez, *El consejo real de Carlos V*, 236; CODOIN, 97:359–368.

[219] He may have gone on an assignment to the Indies. See Charles' *relación*, AGS, Estado, leg. 15, fol. 14, Valladolid, 1527?

[220] For his term in Granada, see AGS, Estado, leg. 13, fol. 196 and fol. 197. For Valladolid, see Estado, leg. 13, fol. 189 and fol. 199. See also Gan Giménez, *La real chancillería de Granada*, 240.

[221] Tavera to Charles, Madrid, April 1528, AGS, Estado, leg. 16, fol. 435.

[222] AGS, Estado, leg. 20, fol. 61, the count of Benavente to Charles, Valladolid, 6 May 1530. He also was involved in a lawsuit filed by the city of Valladolid against the Chancery. See Domínguez Rodríguez, *Los oidores de la chancillería de Valladolid*, 43.

Chancery of Granada in 1533.[223] Montalvo had been a metropolitan judge in the archdiocese of Santiago and moved along the circuit to the Chancery of Granada in 1529.[224] After the Chancery of Granada was audited in 1533, Montalvo went to Valladolid in 1535 to hear civil case suits.[225] Five years later, in 1540, when the appellate courts of Granada and Valladolid were both audited, Montalvo accepted the new charge of judge in the royal household (*casa y corte*).[226] This career of Montalvo, who became a councilor of the Council of Castile in 1544, was typical of Tavera's program of recruitment based on audits.[227]

The Audit of 1533

The audit of the Chancery of Valladolid in 1533 did not so much create a vacuum as open doors for Tavera candidates. The political current was characterized by a multi-layered culture of reform and the systematic procedure of audits. After an audit, judges who had passed their evaluations were qualified for advancement. Licentiate Hernando Girón became a judge of the royal household (*casa y corte*). Licentiate Sebastian de Peralta was one of the senior judges transferred to Granada after the audit of 1533.[228] Additionally, death made three replacements necessary. Tavera succeeded in placing two of his associates, Licentiate Pisa and Licentiate Soto, in these openings, while Licentiate Gregorio López filled the other.[229] Dr. Arteaga, an associate of the count of Osorno, remained in the Chancery of Valladolid. Licentiate Escalante, a judge without apparent connections, also managed to remain. Tavera already had three associates in the Chancery of Valladolid: Dr. Nava, Dr. Ortiz, and Licentiate Cristóbal Alderete. Licentiate Alderete, the judge of the tax-exempt subjects of the Basque nation, was kept in Valladolid, but he was reassigned to hear civil case suits.[230] Dr. Nava

[223] AGS, Estado, leg. 24, fol. 389, Tavera to Charles.
[224] Gan Giménez, *La real chancillería de Granada*, 287.
[225] AGS, Estado, leg. 13, fol. 189.
[226] AGS, Estado, leg. 50, fol. 243, Fernando de Valdés to Charles, Madrid, 13 Dec. 1540; CDCV, 2:69–70.
[227] On his appointment in 1544 to the Council of Castile, see Gan Giménez, *El consejo real de Carlos V*, 249.
[228] AGS, Estado, leg. 13, fols. 186–187, Madrid, 1535; Estado, leg. 22, fol. 151.
[229] AGS, Estado, leg. 13, fol. 186, Madrid, 1535. López was an associate of Fernándo de Valdés, who took over Tavera's position as president of the Council of Castile in 1539.
[230] AGS, Estado, leg. 13, fol. 189, "oidores de Valladolid."

came from the Chancery of Granada, while Ortiz had just finished his doctorate in canon law.[231] In this thicket of appointments, shifts, and job retentions, the Tavera coalition was becoming an alliance of reform-minded jurists. Tavera used the management programs to appease municipal demands and to garner political capital for the Habsburgs; Charles' executive of Spanish councils had shown a commitment to the business of royal government, which was what the cities of the Cortes wanted: reliable institutions of justice, operating according to standards and management policies configured by the Cortes.

Charles responded well to parliamentary calls for reform, using Tavera's skills and intervening directly to improve the quality of justice. The organic unity of the judiciary consisted in the continuous appointments of qualified judges as well as changes that allowed greater access to the system. Tavera was also crucial in raising the quality of appointments as well as enhancing his own political visibility. In 1535, for an experiment of at least one year, Charles increased the number of civil case judges from thirteen to sixteen.[232] The three additional judges were Dr. Collado, Dr. Ribera del Espinar, and Licentiate Oviedo, the royal prosecutor in Valladolid. Of the three, only Collado had the support of Tavera.[233] The addition of Collado to the Chancery of Valladolid elevated the number of Tavera associates to at least nine out of nineteen judges. Seven of them were civil case judges.[234] Licentiate Alderete, a Tavera associate, handled cases for subjects of the Basque *provincias*. There were also two judges, Licentiate Soto and Licentiate Francisco de Menchaca, who were not technically Tavera associates, but Tavera seems to have had social ties with them.[235] Due to insufficient information, the estimate of nineteen judges in Valladolid does not include two judges of *hidalguía*. Assuming, however, that the two judges who had been active since 1526 were still handling *hidalguía* cases, the number of Tavera associates increases. One of the *hidalguía* judges, Dr. Argüel-

[231] On Tavera's support of Dr. Nava who was in Valladolid, see AGS, Estado, leg. 14, fol. 231, 1525; Estado, leg. 15, fols. 11–12. For Dr. Ortiz's doctorate, see Alcocer and Rivera, *Historia de la universidad de Valladolid*, 5:175. On Tavera's endorsement of Dr. Ortiz, see Estado, leg. 16, fol. 435, Tavera to Charles, Madrid, April 1528.

[232] AGS, Estado, leg. 13, fol. 186, Madrid, 1535.

[233] See AGS, Estado, leg. 24, fol. 389, Tavera to Charles, 1532? "memorial de los letrados que al presidente parescen personas convenientes para audiencia."

[234] The judges were Dr. Nava, Licentiate Figueroa, Licentiate Mora, Licentiate Montalvo, Licentiate Galarza, Licentiate Pisa, Dr. Ortiz, and Dr. Collado.

[235] According to Girón, they dined together. *Crónica del emperador*, 83.

las, was an associate; taking him and two of Tavera's 'social associates' into account, the number rises to twelve out of a staff of twenty-one.

Therefore in 1535 Tavera had a clear advantage in the Chancery of Valladolid. At this time, however, the leadership of the Chancery entered a new phase. In 1534, when Charles was in Valladolid, an outbreak of plague forced everyone, including the Chancery staff, to leave the city.[236] The royal court went to Palencia and the Chancery officials found residence in Medina del Campo. Charles granted the wish of the president of the Chancery of Valladolid, González Manso, who was also the bishop of Osma (1532–1537), to retire from his secular responsibilities.[237] He was granted his request to continue living in his diocese, where he died in 1537. The new appointee was Fernando de Valdés, the bishop of Oviedo,[238] who stepped down from the Council of the Inquisition to assume the Valladolid presidency, which he held until 1539. That year Charles drew up the powers of attorney granting Tavera the administrative supervision (*governación*) of the Castilian empire, which meant that he held a kind of judicial presidency and supervision over all of the Castilian appellate councils.[239] Charles also removed Tavera from the Council of Castile, while giving the presidency to Fernando de Valdés, who held it until 1547.[240] When Charles left Spain in November of 1539, the judiciary that Tavera had forged had matured, and a new phase under Prince Philip was about to begin. In a very real sense, Tavera had accomplished the judicial task that Charles had entrusted to him.

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[236] Fernández de Madrid, *Silva Palentina*, 462–463.

[237] For his ecclesiastical career, see DHEE, 3:1848. For his judicial terms, see Alcocer and Rivera, *Historia de la universidad de Valladolid*, 5:99–101, 101.

[238] AGS, Estado, leg. 30, fol. 295, Valdés to Charles, Valladolid, 25 June 1535; José Luis González Novalín, *El inquisidor general Fernando de Valdés, 1483–1568: su vida y su obra* (Oviedo: Universidad de Oviedo, 1968), 97. González Novalín cites a *relación* of "memorial de personas" (Estado, leg. 26, fol. 111) and argues that the president in question was for the Chancery of Valladolid. The presidential candidates were for the Council of the Empress and not the Chancery of Valladolid. They included the archbishop of Bari (Grimaldi), the bishop of Oviedo (Fernando de Valdés), and the bishop of the Canary Islands (Tavera's associate, the Dominican Juan de Salamanca; Estado, leg. 20, fol. 23, Tavera to Cobos) and the bishop of Mondoñedo (Tavera's auditor, Pedro de Pacheco). The document is not dated, but considering that Juan de Salamanca died on May 1534, it must be prior to 1534. On Valdés' acceptance of the church of Oviedo, see Estado, leg. 24, fol. 208, Tavera to Cobos, 28 May 1532.

[239] AGS, Patronato Real, leg. 26, fol. 57, Madrid, 10 Nov. 1539.

[240] For Charles' order, see AGS, Estado, leg. 46, fols. 101–103; CDCV, 1:551–552. For Valdés' appointment, see González Novalín, *El inquisidor general Fernando de Valdés*, 117.

Charles ordered a total of six audits of the chanceries between the years 1522 and 1533: three audits of the courts of Granada in 1522–1523, 1530, and 1532–1533, and three audits of Valladolid in 1524–1525, 1530, and 1533. These audits cumulatively addressed the management program of recruiting judges repeatedly; they improved the king's administration of justice by addressing the judicial reforms stipulated by the *procuradores* to the Cortes. The judicial system needed judges, but the cities wanted competent and educated judges. Between 1522 and 1525 the audits set in motion a process of formal changes that occurred every three to six years. Beneficiaries of these promotions were often well connected to President Tavera, but they all had to accept their transfers as a matter of course. The strategy employed by Tavera for nearly a decade was to give the presidencies of the chanceries to prelates. Audits were especially effective in changing the contours of the judicial centers.

The Advantage of Reputation and the Attraction of the Legal Vocation

In the two decades following the revolution of the *comuneros*, Charles came to depend on Tavera's team of auditors as one of the mechanisms for pruning the judiciary and rotating judges. Because of their capacity to reform the judiciary and to ensure a steady distribution of judicious appointments, audits made judges aware that their performance and fund-raising schemes would be used as criteria for future promotions. The assumption was that the king's *merced* was by itself insufficient to prevent judges from seeking forms of compensation that compromised their official duties. Audits of the chanceries proved to be a feasible and reliable method to make sure that the king's judicial system did not fall into disrepute. Tavera's network provided the security that Charles needed to rule Castile through the regencies (1529–1532, 1535–1536, 1539–1541, and 1543–1555)—all marked by the regularity of audits and followed up by judicial rotations.[241] In addition, with the help of

[241] For the audit of the Chancery of Granada in 1535, see AGS, Estado, leg. 35, fol. 19, Council of Castile to Charles, Valladolid, 14 July 1536; CDCV, 1:511–513. For the audit of the Chancery of Granada in 1539, see CDCV, 2:31–32, Charles to Tavera, Madrid, 19 Aug. 1539. For audits of the Chancery of Valladolid and the Chancery of Granada in 1540, see AGS, Estado, leg. 50, fol. 243, President Fernando Valdés to Charles, Madrid, 13 Dec. 1540; CDCV, 2:69–70. For Charles' instructions to Prince Philip to audit the appellate courts, especially the *corregimientos*, during the regency beginning in 1543, see CDCV, 2:90–103, 96.

Tavera, Charles had made audits routine, and left for Philip a tradition and style of government that had a built-in system of self scrutiny.

Because recruitment was critical, the king had to provide his staff with assets in order to attract and retain them. Charles' accounting officials did not keep dependable records of the salaries of the judicial bureaucrats, so it is difficult to ascertain how much judges had to depend on revenues generated from litigation and court fees. There are no chancery records of salaries and payrolls. It is fair to say that when the king provided compensation to the judiciary it usually came from annuities he awarded from local taxes. The Catholic Monarchs had, for example, set aside a portion of the royal sales taxes collected by the town of Valladolid and the district (*merindad*) of Cerrato for the salaries of the president and the civil case judges of the Chancery of Valladolid, the president earning 200,000 *maravedís* (533 ducats) and the civil case judges 120,000 *maravedís* (320 ducats).[242]

Charles made use of his right to name bishops as a means of rewarding his top administrators, especially the presidents of the chanceries; for this reason, all of the presidents earned bishoprics. There is evidence suggesting that Charles often gave judges additional offices, usually ecclesiastical benefices, with incomes attached to them. But the incomes did not come primarily from royal coffers. Because they were fixed annuities paid every three to four months, municipal offices (*regimientos*), military commanderies (*encomiendas*), and habits of the military orders, for example, were the best offices that Charles could provide.[243] Such offices were based on local taxes and therefore offered secure sources of income. There are no registers of the *mercedes* that the king offered his chancery judges, but every judge expected to gain such benefits. The *corregidores* were especially fortunate because their income came directly from the municipality's *propios* or assets, whereas chancery judges had to fight over a limited supply of ecclesiastical benefices.

The king's revenues provided little money for salaries. It was, instead, benefits from Charles' bounty of *mercedes* that men sought in return for holding offices; his major assets were therefore incomes tied to a municipal source of revenue. A *merced* with an income attached to it, such as a *regimiento*, was more substantial than a royal salary. On the

[242] María Antonia Varona García, *La chancillería de Valladolid en el reinado de los Reyes Católicos* (Valladolid: Universidad de Valladolid, 1981), 207–211, passim.

[243] In 1525, for example, Charles took an inventory of the judges who requested such *mercedes*. See AGS, Estado, leg. 13, fol. 237, Madrid, 1525.

eve of the revolution of 1520 the presidents of the chanceries were supposed to earn annual salaries of 266 ducats and civil case judges eighty ducats drawn from royal tax revenues. Charles offered judges salaries based on municipal-based annuities.[244] Charles depended on the established tradition of paying judges from municipal bases of revenue—that is, from tax yields. He could thus rely on policies established in the fifteenth century. In 1480, the Cortes of Toledo and the Catholic Monarchs had mandated that the town of Valladolid should set aside 500,000 *maravedís* from its *alcabalas* for the salaries of the president and judges of the chancery.[245]

The *procuradores* of the Cortes made it clear to Charles that he had to offer his judicial officers incomes that would not force them to make money by illicit means.[246] The cities did not complain about the tax-exempt status (*hidalguía*) enjoyed by judges; in fact, such status made a judgeship more attractive. The status of *hidalguía* was deemed necessary because the exemption reduced the taint of vested interests. Such exemptions liberated judges from contributing to the yearly *servicio* the cities had to collect from their subjects. Inventories of candidates and short lists usually make the point that judges were *hidalgos*. The cities therefore did not refrain from paying court salaries out of their taxes. As the *comunero* revolt demonstrated to Charles, when the crown used its revenues for tasks (such as the imperial election) outside of the priorities of parliament, the king could expect very little financial support.

For a judge, who often had to live away from home in a place he found unappealing, and then for two more years in another site where he was needed, his salary (if one was provided) may have been sufficient to feed his family. When he could no longer work, he hoped for a *merced*, perhaps some demonstration of gratitude so that his eldest son would be given the chance to serve the crown.[247] For most royal

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[244] AGS, Cámara de Castilla, leg. 2716, s.f.; Garriga, *La audiencia y chancillerías castellanas*, 291. In his chapter on the salaries of the judges, Gan Giménez discovered that account sheets did not record salaries: "La Nóminas del personal de la chancillería no indican los salarios de sus miembros" (*La real chancillería de Granada*, 123).

[245] Varona García, *La chancillería de Valladolid*, 208.

[246] Petition 60, 1520 Cortes and petition 82, 1523 Cortes, CLC, 4:334 and 388 respectively.

[247] AGS, Estado, leg. 15, fol. 10, Tavera to Charles. For additional examples of Tavera's support for his associates, see Estado, leg. 9, fol. 115, Tavera to Charles; Estado, leg. 24, fol. 208, Tavera to Cobos; Estado, leg. 38, fols. 215–216, Tavera to Charles; Estado, leg. 49, fols. 171–172, Tavera to Charles; Estado, leg. 50, fols. 92–95,

judges, a salary was not adequate compensation for having invested so much time in practicing the law. Jobs in the chanceries and *audiencias* were more about opportunity, usefulness and service than security. Many graduates of law entered the king's judicial system in order to compete for reputation and earn the respect of their peers, and in the hope that a royal career would open doors. The most important criterion for professional advancement and future opportunities was reputation. This tipped the balance in a person's favor for the king's limited resource of *merced*. Recommending his associates, the archbishop of Seville (Alfonso Manrique) wrote that "Licentiate Castro is considered to be a very good jurist and Dr. Arteaga is regarded as a good jurist and has served a long time."[248] Informed opinions mattered and they came to the attention of Charles when he considered candidates for promotions. Certain voices were more powerful in that they were more influential in shaping Charles' decision to concede a *merced*.

For a law graduate who hoped for recognition, no voice was more important than President Tavera's, especially between 1523 and 1539. The principal head of the judicial system, Tavera circumscribed vocational opportunities by demanding unequivocal merit, so judges, and especially recent graduates of law, worked for his attention. Regarding judicial appointments, Tavera did not exercise patronage. Rather, he was executing Charles' judicial duty of appointing qualified candidates who themselves were judged continually. "Licentiate Pedro de Peña, the canon of Toledo, has a very good reputation and Licentiate del Barco, they say, is a very good jurist as well as a good person."[249] Everything about a judge's career depended upon what "they say." Certainly, what Tavera "said" was very important, but his evaluation of judges and law graduates depended upon numerous sources.

Tavera built a judicial system that attracted law graduates. Beginning in college, lawyers soon learned which established networks supported a career and made a lawyer's advancement possible. Ties with established leaders such as Tavera were avenues available to law graduates. Graduates and judges understood that a solid reputation would lead to a career offering them a salary, upward mobility, and personal dignity.

Tavera to Charles; Estado, leg. 51, fols. 8–10, Tavera to Charles; and Estado, leg. 50, fol. 98, Tavera to Charles.

[248] AGS, Estado, leg. 13, fol. 174.

[249] AGS, Estado, leg. 14, fol. 225.

A judge's good reputation opened doors, and the respect of his fellow jurists gave him access to Charles' *merced*. Beyond forging their identity as partners in royal government, lawyers invested their time and energy in law schools and later in the courts, because a job well done in these institutions constituted the basis for recognition and self-esteem.

In conclusion, Charles rebuilt the chancery staffs, secured standards of recruitment, and established auditing procedures. As he institutionalized the mechanisms of justice, Charles advanced Tavera's network of qualified jurists and law graduates. Charles and Tavera also implemented policies formulated by the Cortes in order to establish a self-regulating appellate system. Tavera's sponsorship of prelates, jurists, and graduates of law from the universities of Valladolid and Salamanca facilitated a partnership of reformists. Tavera's dominance (over fifty percent of the judges Charles appointed to the chanceries of Granada and Valladolid were his associates) consisted of a network of judges who carried out their professional lives at the center of laws and reforms created by the Cortes. When Charles and Tavera implemented the policies through which they refined the management of government, they created a judicial system that had been the model of good government articulated by the *comuneros* and the *procuradores* to the Cortes. Just as significantly, one of the consequences of the creation of a judicial meritocracy was that Charles acquired confidence in his own ability to leave Spain repeatedly and for longer and longer durations (see Table 1 for itinerary). And, perhaps, Tavera's judicial meritocracy provided Charles with the moral directives that may have guided him throughout his post-1529 imperial itineraries.

CHAPTER FIVE

NEW SPAIN AND THE ESTABLISHMENT OF LOCAL NETWORKS AND OF A REFORMED JUDICIARY

Spanish cities recognized Charles' *imperium*, acknowledging him to be the lord of the world.[1] Once Charles began to implement parliamentary resolutions, the city councils advocated Charles' universal lordship. "You are not only the lord of the Christian faith," a town council noted, "but also of the entire world."[2] Formulated in 1526 after the defeat of the Christian forces in Mohacs, this vision of Christian universalism certainly stemmed from medieval rhetorical traditions, but also signified widespread consent, a Castilian acquiescence to such rhetoric.[3] Castilians began to amplify this in their correspondence because they

[1] For the argument that Charles and Spain manifested a *monarchia universalis* and that Charles V was lord of the world, see Anthony Pagden, *Señores de todo el mundo: ideologías del imperio en España, Inglaterra y Francia en los siglos XVI, XVII, y XVIII*, trans. M. Dolors Gallart Iglesias (Barcelona: Ediciones Península, 1997; 1995), 60–86, 61; citing Gonzalo Arredondo y Alvarado, *Castillo inexpugnable defensorio de la fe y concionatorio admirable para vencer a todos enemigos espirituales y corporales* (Paris, 1528). For comparison to Charlemagne and for the range of medieval concepts that influenced Charles and Spanish society, in particular the model of religious reformer and just king, see Yates, *Astraea: The Imperial Theme in the Sixteenth Century*, 1–28, 22–23, 26; Brandi, *Carlos V: vida y fortuna de una personalidad*, 68–71. For the argument that Charles modified Spanish imperialism, see Ramón Menéndez Pidal, *Idea imperial de Carlos V*, Colección Austral 172 (Madrid: Espasa-Calpe, 1971). For Gattinara's articulation of Charles' universal empire, based on Dante and the *mos italicus*, see Headley, *The Emperor and his Chancellor*, 11–12.

[2] "…vuestra sacra caesarea magestad no solamente es senor de la religión cristiana pero de todo el mundo." The city of Calahorra to Charles, Calahorra, 7 Dec. 1526 AGS, Estado, leg. 14, fol. 92; Estado, leg. 14, fol. 103, the town of Valladolid to Charles, Valladolid, 8 Dec. 1526.

[3] I.A.A. Thompson has noted that Castilian imperialism was "the view from the edge" (139) due to Castilian hostility to Charles' imperialism. He adds that Castilian "resistance to the integration of Castile into a peninsular union which is apparent from the time of marriage of Isabella of Castile and Ferdinand of Aragon looked like brining about the conjunction of the two crowns" (131–132). His argument is that Castilian nationalism, in contrast to a Spanish nationalism, developed into a hispanicization in which Castilians "speak of Spain when they mean Castile" even though Castilians continued to resent "an empire parasitic on Castile" (142). "Castile, Spain, and the monarchy: the political community from *patria natural* to *patria nacional*," in *Spain, Europe and the Atlantic world: Essays in honour of John. H. Elliott*, ed. Richard L. Kagan and Geoffrey Parker (New York: Cambridge University Press, 1995), 125–159.

had begun to accept the new king and his imperial dignity. The judicial reforms advanced by the city representatives to the Cortes (and subsequently implemented by the executive) facilitated an approval of Charles' policies that included his dynastic ambitions. Castilian subjects supported his imperial prerogatives as long as he fulfilled his duties as the supreme administrator of justice. Their general assent was due to the success of the post-*comuero* reform program.[4] When Castilians began to trust the judicial apparatus, they began to accept his 'foreign' policies even though they remained highly critical of his ambitions and continually resisted his repeated demands for money.

Charles' dynastic policies in the continent were not however the same as those related to Castilian expansionism, which consisted in the development of transatlantic institutions such as town councils and appellate courts. When Charles reconstructed the Castilian appellate system, institutionalizing management procedures (*visitas* and *residencias*) and appointment standards for the global bureaucracy, he was not engaged in the defense of his inheritance, he was advancing Castilian colonization. He facilitated the expansion of Castilian institutions in New Spain by appointing judges and by mandating management procedures established by the Castilian parliament.

In the sixteenth century, chroniclers described Charles' imperial rule as the extension of Castilian institutions and people. Charles appointed chroniclers and cosmographers to sketch Spanish expansionism in the New World, in particular the discovery of new lands, the building of new towns and the creation of appellate courts.[5] In these formations, the principle of universal lordship underscored the 'discovery' of new lands and the acquisition of new jurisdictions that included the conquest of Mexico.[6]

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[4] For city *capitulos* that the monarchy addressed, see AGS, Patronato Real, leg. 69, fol. 65, Cortes, Madrid, 1528. For "capitulos generales platicado y respondido," see Patronato Real, leg. 70, fols. 96–97, Madrid, 1528? Tavera confirmed a widespread *sosiego* and *obediencia*. AGS, Estado, Tavera to Charles, Ocaña, 28 Oct. 1530. Note also the city of Toledo's the favorable opinion of Charles' implementation of policies in Estado, leg. 20, fol. 197, Toledo to Charles, Toledo, 2 May 1530.

[5] For treatment of the problem of institutionalizing the Cortes in colonial Mexico, see Guillermo Lohmann Villena, "Las cortes en las Indias," in *Las cortes de Castilla y León, 1188–1988: actas de la tercera etapa del congreso científico sobre la historia de las cortes de Castilla y León, León, del 26 al 30 de septiembre 1988*, ed. Cortes de Castilla y León, 2 vols. (Valladolid: Cortes de Castilla y León, 1990), 1:591–623.

[6] On Alonso de Santa Cruz as royal cosmographer and other similar royal commissions, see Luisa Martín-Merás, "La cartografía de los descubrimientos en la época

The conquest of Mexico initiated the institutionalization of a judicial apparatus because conquests and newly founded municipalities required appellate judges. The *villa* of Veracruz, established by Hernán Cortés and the members of his expedition, defeated the Aztecs, replacing the indigenous system with a municipal platform of autonomy.[7] The growth of Spanish towns in New Spain, in addition to the transformation of indigenous communities, necessitated a concomitant increase in judicial operations (see Fig. 5). Municipalities in Mexico expected their appellate courts to function according to the standards that the representatives of the Cortes had articulated repeatedly in the sessions of parliament.

Charles' post-*comunero* reform platform, articulated by the *procuradores* of the 1523 Cortes, transformed the appellate system into supervisory mechanisms, creating, for example, the Council of the Indies in 1523.[8] Beginning in 1523, Charles prioritized reform and institutionalized management procedures, improving, with the help of Spanish parliamentarians, the legal systems that he had inherited. His judicial platform was comprehensive and universal. He implemented principles of judicial reform and government accountability in his jurisdictions. In New Spain, Charles sustained municipal development by implementing judicial procedures and institutions that included the increase of royal jurisdictions, the appointment of judgeships for such jurisdictions, the application of audits, and the supervision of the legal bureaucracy under the authority of the viceroy of New Spain.[9] After experimenting with

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de Carlos V," in *Carlos V: la náutica y la navegación*, ed. Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V (Madrid: Lunwerg Editores, 2000), 75–94, 88. For royal appointments dealing with discoveries, see María Antonia Colomar, "La casa de la contratación de Sevilla y las ciencias náuticas, el comercio y los descubrimientos geográficos," in *Carlos V: la náutica y la navegación*, 167–192, 169. For historical analysis, see Ricardo Padrón, *The Spacious Word: Cartography, Literature and Empire in Early Modern Spain* (Chicago: University of Chicago Press, 2004), 143–173. On Spanish navigation, see Alison Sandman, "Mirroring the World: Sea Charts, Navigation, and Territorial Claims in Sixteenth-Century Spain," in *Merchants & Marvels: Commerce, Science, and Art in Early Modern Europe*, ed. Pamela H. Smith and Paula Findlen (New York: Routledge, 2002), 83–108.

[7] Santa Cruz, *Crónica del emperador*, 1:213, 371–372. For reassessment of the conquest, see Camilla Townsend, "Burying the White Gods: New Perspectives on the Conquest of Mexico," *The American Historical Review* 108/3 (June 2003): 659–687.

[8] See AGS, Estado, leg. 12, fol. 184, *consulta consejo de Indias*. For precedents of royal councils, see Fernández de Córdova Miralles, *La corte de Isabel I*, 17–25; Luis Vicente Díaz Martín, *Los oficiales de Pedro I de Castilla* (Valladolid: Universidad de Valladolid, 1987).

[9] Charles as well audited the Council of the Indies in 1542. See Sandoval, *Historia del emperador*, 82:128.

numerous vehicles such as *encomiendas*, Charles instituted *las leyes nuevas de Indias* in 1542, through which he sought to eliminate such *encomiendas*, replacing them with *corregimientos*.[10]

This chapter will explain the evolution of Spanish institutions, beginning with (1) the formation of autonomous communities, (2) the development of Spanish appellate courts, and (3) the institutionalization of procedures of judicial reform. Charles encouraged and supported the formation of town councils, both by Spanish colonists in the New World and by Indians.[11] Charles then reinvigorated judicial platforms that his Spanish predecessors had created, namely the appellate courts, *audiencias*, and the procedure of audits. Charles followed with the institutionalization of *corregimientos* and the Mexican viceroyalty in the 1530s. In short, Charles advanced three projects in the New World: municipal liberty, the management of justice, and the transformation of indigenous groups *sin regimientos* (without town councils) into municipalities with *regimientos* (town councils).

The Establishment of Castilian Republics

Prior to the *comunero* revolt Castilians had begun to forge a global system of autonomous towns. The Castilian bureaucracy, as weak as it had been during the regency of King Fernando of Aragon (as regent, 1506–1516), supported the transatlantic enterprise involving the extension of Castilian institutions.[12] The key ingredient to the colonial project

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[10] For facsimile and transcription of the laws, see *Las leyes nuevas, 1542–1543: reproducción de los ejempolares existentes en la sección de patronato del Archivo General de Indias* ed. Antonio Muro Orejón (Sevilla: Escuela de Estudios Hispano-Americanos de la Universidad de Sevilla, 1945); Joaquín Aguirre and Juan Manuel Montalbán, *Recopilación compendiada de las leyes de Indias aumentada con algunas notas que no se hallan en la edición de 1841 y con todas las disposiciones dictadas posteriormente para los dominios de ultramar* (Madrid: Imprenta y Librería de I. Boix, 1846). Charles established additional laws for the Americas after 1542, which were published along with those contained in the *Las leyes nuevas de Indias* by order of Charles II of Spain. See *Recopilación de leyes de los reynos de las Indias*, 3 vols. (Facsimile, Madrid: Imprenta Nacional del Boletín Oficial del Estado, 1998; 1791).

[11] I use the terms 'Mexicans', 'Native Americans', 'natives', 'Indians' and 'Amerinds' interchangeably. The Spanish used the word *indios*.

[12] For summary of Fernando's regency, see José Martínez Millán, "La evolución de la corte castellana durante la segunda regencia de Fernando (1507–1516)," 1:103–114; José García Oro, *El cardenal Cisneros: vida y empresas*, 2 vols. (Madrid: BAC, 1992–1993), 2:617–625, 645–651. For the Indies under King Fernando of Aragon, see Ursula Lamb, *Fray Nicolás de Ovando, gobernador de las Indias (1501–1509)* (Madrid: CSIC, Instituto Gonzalo Fernández de Oviedo, 1956). For legal programs during Fernando's regency,

was the municipal initiative. As Helen Nader noted in her study of the sale of towns, "the degree to which municipal society and citizenship dominated the mentality of even the most rebellious Castilian can be seen in the actions of the Cortés expedition."[13] Like Hernán Cortés, Spaniards who left Spain recreated their municipal government in new environments and adapted their modes of civic life to the local features of Middle America.[14]

Local Elections

Charles increased his patrimony by supporting the foundation of new municipalities.[15] Unlike those of Spain, American towns did not have to go through the costly process of purchasing their autonomy. Charles strove to provide his subjects with what they wanted: *concejos abiertos* or local governments in which every male citizen of the municipality could vote. He accelerated the efforts of his maternal grandparents to establish autonomous communities.[16] Castilians such as Hernán Cortés took advantage of the premise of self-rule by means of a council; when he and the other founders of Veracruz decided to form a council

see Lesley Byrd Simpson, trans., *The Laws of Burgos of 1512–1513: Royal Ordinances for the Good Government and Treatment of the Indians* (San Francisco: J. Howell, 1960).

[13] *Liberty*, 94.

[14] For the impact, see Kathleen Deagan and José María Cruxent, *Columbus's Outpost among the Taínos: Spain and America at La Isabela, 1493–1498* (New Haven: Yale University Press, 2002). They conclude that "What emerged instead was a way of life that incorporated many Taíno traits and survivals, many African traits and survivals, and many more European traits and survivals. The entangling of these elements with each other and with newly developed ideas in the early Spanish colonies produced a society that was neither Spanish, Indian nor African but something newly expressed both in the ideology of racial categories and in the material aspects of daily household life" (227). For theoretical analysis, see Ann Laura Stoler and Frederick Cooper, eds., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley: University of California Press, 1997).

[15] On this principle, see Helen Nader, "'The more communes, the greater the king': Hidden Communes in Absolutist Theory," *Schriften des Historischen Kollegs Kolloquien 36*, Theorien kommunaler Ordnung in Europa, ed. Peter Blickle (Munich: R. Oldenbourg, 1996), 215–223. For policy, see Zeila Nuttal, "Royal Ordinances concerning the Laying out of New Towns," *Hispanic American Historical Review* 4 (1921): 745–753.

[16] Actas cortes, CLC, 4:294–295, 370; José Martínez Cardos, *Las Indias y las cortes de Castilla durante los siglos XVI y XVII* (Madrid: CSIC/Instituto Gonzalo Fernández de Oviedo, 1956), 33–39. For theoretical underpinnings, issues of sovereignty and dominion, and critique of the Spanish conquest, see Anthony Pagden, *Spanish Imperialism and the Political Imagination: Studies in European and Spanish-American Social and Political Theory 1513–1830* (New Haven: Yale University Press, 1990), 13–24.

and to elect their officials, they became an autonomous municipality. Three years later, in 1523, Charles sent instructions to the conqueror of Tenochtitlán reminding Cortés of the similar tactics he had used when his followers founded Veracruz. "Make sure," Charles wrote, "to elect among you municipal officers every year." Charles also wanted Cortés to remember that the conquered Mexicans were royal subjects not to be stripped of their rights nor removed from their environment. "They are free (*libre*)," Charles added, "and not to be subjected nor divided up, but rather they must live freely (*libremente*) in the same way that all our subjects live in the kingdoms of Spain."[17] Charles guaranteed the citizens of American towns, which included Mexican Indians, that he would not profit from the sale of royal jurisdictions; these would not be sold, moreover, to ambitious men intent on subjugating people as their private vassals.[18] In other words, Charles did not allow men to become lords, except in a handful of cases (notably those of Hernán Cortés and Diego Columbus).[19] The king promised to hold the American settlements as royal domain in perpetuity, thereby giving the founders of American towns the security that they would not lose their autonomy and royal legal status. Charles compared his royal decree to constitutional law, forever binding and having the power, *fuerza e vigor*, of laws promulgated by the Cortes.[20] A few years later Charles issued a law in which he stated that "all uncultivated land, pastures, and water in every municipal boundary of the Indies had to be shared as commons, for the free use of the citizens who inhabit them."[21]

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[17] CDI, ultramar, 25 vols., Serie 2 (Madrid: Sucesores de Rivadeneyra, 1864–1884), 9:178.

[18] Charles did, however, grant Hernán Cortés a title of nobility (marquis del Valle). See AGS, Estado, leg.19, fol. 16, Council of the Indies to Charles, Madrid, 3 June 1530.

[19] For the policy "por vía de feudo y no señorío," see AGS, Estado, leg. 22, fols. 112–113, consulta de Indias, Brussels, Sept. 1531. For the exception of the title of *marqués del Valle*, see Estado, leg. 19, fol. 16, Council of the Indies to Charles, Madrid, 3 June 1530.

[20] *Real Provisión*, Pamplona, 22 Oct. 1523, CDI, ultramar, 9:185–187.

[21] *Provisión* of 28 Oct. 1541, *Recopilación de las leyes de los reynos de Indias*, lib. IV, tit. XVII, ley V; Juan Solórzano de Pereira, *Política indiana*, 5 vols., BAE, 252–256 (Madrid: Real Academia Española, 1972; 1629), 1(252):22: "que todos los montes, pastos, términos, y aguas de las provincias de las Indias sean comunes, para que todos los vecinos de ellas puedan gozar de ellos libremente."

Privileges of Municipal Participation

Charles promoted the settlement of America by granting tax exemptions and inheritable local offices (i.e., *regimientos*).[22] In order to forge strong ties with American towns, the king gave newly developed towns tax exemptions, usually a suspension of the sales tax, the *alcabala*, lasting between five and twenty years.[23] In exceptional cases, such as when large municipalities were heavily damaged by earthquakes or hurricanes, the crown provided ten-year exemptions. In the case of the founding of Gracias de Dios, the judge, the councilmen, city magistrates, the knights, and all of the male citizens received tax exemptions in order to help them consolidate their settlement. In the short term, the king lost revenues that he normally collected from the sales tax. The king placed a secure bet, however, that after he had provided royal privileges for a number of years the community would become self-reliant, and in due time it could begin supplying a steady flow of taxes.

Many years after Charles had died, Spanish historians still recalled Charles' accomplishments, in particular advancing the establishment of civic institutions and municipal liberties in newly discovered lands.[24] In his *Política indiana* Juan Solórzano de Pereira repeatedly cited Charles' laws emphasizing freedom for all, even the Indians. "The natives of the Indies are our free vassals," Charles ordered, "just as our vassals in Spain [are]."[25] Solórzano held up Charles' rule as the standard: the king's republic, he believed, was one in which his vassals must have their local councils and privileges. Solórzano stressed the crown's need to continue to provide the Castilian way of self-rule for the Indians. "If an Indian pueblo," he prescribed, "has less than forty households, one of the resident natives must serve as a judge (*alcalde pedáneo anual*)." Solárzano went on to say that for more than forty households, the

[22] "Capitulación que se tomó con Francisco de Montejo para la conquista de Yucatán, 1526," in *Las instituciones jurídicas en la conquista de América*, ed. Silvio A. Zavala (Mexico: Editorial Porrúa, 1988; 1935), 217–225. For *regimiento* qualifications as stipulated by the *comuneros*, see Sandoval, *Historia del emperador*, 80:314.

[23] *Real provisión*, Barcelona, 16 July 1519, CDI, ultramar, 9:109–115.

[24] For the structure of Mexico City's municipality, see María Luisa J. Pazos Pazos, *El ayuntamiento de la ciudad de México en el siglo XVII: continuidad institucional y cambio social* (Seville: Diputación de Sevilla, 1999), 120. For political analysis of Indian-ruled municipalities, see Robert Haskett, *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca* (Albuquerque: University of New Mexico Press, 1991).

[25] *Política indiana*, 1(252):163.

council must have one judge (*alcalde*) and one magistrate (*regidor*). More than eighty households required two judges and four magistrates. The *comendadores* of the Indian villages, Solórzano pointed out, should have no jurisdiction over these municipalities, for they could neither reside in the village nor exploit the commons; they had their own town where they lived and voted.[26]

In the newly-established towns of America every male citizen voted. Writing from Gracias de Dios (in modern-day Honduras), Licentiate Pedraza described for Charles the founding of an autonomous and self-reliant municipality where the citizens decided amongst themselves the solutions that would best fulfill their expectations of the common good. Pedraza begins by describing how he and his associates founded their municipality before the citizens of Gracias de Dios began to cultivate the land where they came to rest. He explains how the citizens of Gracias de Dios came to a consensus: they decided to move the physical site where the city initially rested to more secure ground, then they developed the city under the authority of the king, placed a wood pillar symbolizing their autonomy, and constructed a church to thank God for their good fortune. Pedraza then describes how all of the citizens built their homes and did not exploit nor enslave the Indians (the assumption was that the natives were royal subjects entitled to the same freedom and autonomy as Spaniards had). Not only did the citizens of Gracias de Dios decide where to build their own homes and their own church, but they also had the prerogative to elect their law officers, judges, and councilmen to govern and to represent them.[27]

The founding of Gracias de Dios highlights how the exercise of political power began at the local level, in town councils where citizens gathered to resolve their problems (see Fig. 5 for local government structure). American municipalities—the vast majority under royal jurisdiction—forged their regimes by relying on local assemblies where they voted on every issue that pertained to their welfare.[28] As such, the privilege of being a citizen of a royal town consisted of the freedom to vote or to make a claim in town meetings; municipal citizenship

[26] *Política indiana*, 1(252):381.

[27] *Relación* by Licentiate Cristóbal Pedraza to Charles, Gracias a Dios, 18 May 1539, Sociedad de Bibliófilos Españoles, *Relaciones históricas de América, primera mitad del siglo XVI* (Madrid: Sociedad de Bibliófilos Españoles, 1916), 136–180, 141–142.

[28] See, for example, Charles' *merced* to Hernán Cortés (marqués del Valle), AGS, Estado, leg. 19, fol. 16, Madrid, 3 June 1530; Zavala, *Las instituciones jurídicas en la conquista de América*, 240–243.

entailed privileges. In 1537 the citizens of Santa Marta explicitly made their claim of self-rule by asserting their royal status, which meant municipal autonomy as well as protection from other town councils and conquerors. As well as receiving tax exemptions, the citizens of Santa Marta accepted the king's appointment of three aldermen and magistrates (*regidores*) to serve on their council. Beyond that, the city council made all of the decisions. "Our citizens do not accept outside interference from other town councils," the city magistrates asserted, "but rather we wish to be ruled by our council."[29]

The Mexican Appellate System

The king did not visit his jurisdictions in the New World. Spaniards in Spain were accustomed to seeing their king, for the monarch's normal life was peripatetic and part of his responsibility was to travel extensively throughout his jurisdictions. In the New World Castilians and the Indians could not expect to see the monarch, but they still required appellate courts and royal officials to administer justice. They demanded royal intervention in so far as justice was concerned (the justification for taxation was the royal performance of judicial duties and management).

The 'founding fathers' of the New World were King Fernando of Aragon and Queen Isabel of Castile. They initiated the process of colonization by creating appellate courts. In 1511 King Fernando and Queen Juana established the *audiencia*, the regional appellate court, of La Española (Santo Domingo) "because of the excessive costs that the citizens of the Indies endure."[30] Citizens in the New World did not want to spend additional money to appeal, which would require them to go to one of the regional courts in Seville, Granada or Valladolid. Fernando thus provided *audiencias* for the Spanish in the Americas. Fernando wanted the *audiencia* to meet with Admiral Diego Columbus "every day of the week" in which case every judge could cast his vote along with the vote of the admiral.[31] The establishment of the *audiencia*

[29] "Memoria de las cosas que ha hecho García de Lerma," Santa Marta, 1537, Sociedad de Bibliófilos Españoles, *Relaciones históricas de América*, 46–53, 46.
[30] CODOIN, 2:285–293, 286.
[31] CODOIN, 2:275–285, 275.

of Santo Domingo came after repeated efforts to curtail the excesses of Columbus.

In addition to the *audiencias*, Fernando implemented the procedure of audits. In 1507 Fernando of Aragon sent a *juez de apelación* to audit Admiral Diego Columbus because he had failed to uphold royal orders that stipulated how he had to allow Native American subjects to live in their own communities. Diego Columbus sought to remove Native American subjects from their towns and endeavored to confiscate uncultivated land and its produce. Fernando ordered Columbus to leave the commons alone and to permit the citizens to live within their municipalities.[32] Because American towns were located so far away from the regent and his officials, these towns wanted Fernando to assist them in defending their municipal freedoms by subsidizing royal authorities, namely sheriffs (*alguaciles*) and town clerks (*escrivanos*); they also asked that he grant citizens the privilege to bear arms. Complaints sent to Fernando certainly reflected the expectations of Castilian municipalities. One loud demand was that Fernando "must provide the councils of American towns with those same traditions that Castilian councils of the cities and royal towns of Spain had."[33]

The Viceroyalty of Mexico

After the *comunero* wars in 1520–1521 Charles revitalized the appellate courts and the management procedures that Fernando had established in the New World. Charles did not change the precedent Fernando had set up regarding Indian policy and the mechanism of audits. "We order you that all Indians," Charles wrote to the *juez de residencia* (the auditor of the outgoing judge), "who are fully capable to rule themselves by means of municipalities in the same manner that Spanish Christians govern themselves, should be our vassals not to be subjugated by Spaniards."[34] In 1524 Charles appointed Juan Tavera to run the administration of

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[32] Antonio de Herrera y Tordesillas, *Historia general de los hechos de los castellanos en las islas y tierra firme de el mar océano*, 2 vols. (Madrid: Tipografía de Archivos, 1934–1957; 1601–1615), 2:119, 159.

[33] Herrera y Tordesillas, *Historia general*, 2:95.

[34] "entre los indios naturales de las indias hay muchos que tienen tanta capacidad e abilidad que podran vivir por si en pueblos politicamente como viven los cristianos españoles e servirnos como nuestros vassallos sin estar encomendados a cristianos españoles" (Queen Juana and Charles to the *juez de residencia* in *La Española*, Zaragoza, 9 Dec. 1518, CDI, ultramar, 9:92–93, 92. It is noteworthy that this decree was countersigned by Secretary Cobos, the bishops of Burgos and Badajoz, and don García y Zapata.

justice, placing Tavera's personnel in the Council of the Indies. The Council of the Indies began to recruit judges and to supervise audits.[35] After discussing the range of religious and political problems in New Spain, Charles established the viceroyalty sometime around 1531, appointing Antonio de Mendoza.[36] Charles wanted a head to supervise institutions and audits, so he appointed Viceroy Mendoza who was now held accountable for all management matters.[37] Charles ordered Viceroy Mendoza to administer judges and the law enforcement system; he was to ensure that salaries were paid to all royal judges and officials, audit all royal functionaries, and take a census of the subjects residing in municipalities, including Indians and Castilians (*vecinos naturales*) and Spanish immigrants (*moradores españoles*).[38]

In addition to the creation of the viceroyalty, Charles advanced institutional procedures, *ordenanzas* for the *audiencia* of Santo Domingo and the *audiencia* of New Spain, using the procedures of appellate courts of Valladolid and Granada.[39] He also mandated that *gobernadores* and *corregidores* inspect and audit their jurisdictions, in particular local officials and *personas poderosas*.[40]

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[35] Charles gave the Empress and President Tavera the authority to expedite audits in the New Word. See AGS, Patronato Real, leg. 26, fol. 19, the Empress to the Council of the Indies, Madrid, 23 April 1528; Patronato Real, leg. 26, fol. 31, Toledo, 8 March 1529, poder general a la emperatriz para la governación y administración destos reynos y para que pueda mandar hazer y proveer en ellos durante my ausencia todo aquello que yo mismo podría hacer. Charles also ordered the Empress to audit *visitadores de indios* (Charles to the Empress, Madrid, 12 July 1530, *Recopilación de las leyes de los reynos de las Indias*, 2:179 [lib. V, tit. XV, ley. XII].

[36] AGS, Estado, leg. 22, fol. 201, President Tavera to Charles, 13 April 1531; Estado, leg. 3, fol. 353, Charles to President Tavera, 1532? On Mendoza, see Francisco Javier Escudero Buendía, *Antonio de Mendoza: comendador de la villa de Socuéllamos y primer virrey de la Nueva España* (Socuéllamos: Junta de Castilla-La Mancha, 2003); Arthur Scott Aiton, *Antonio de Mendoza, First Viceroy of New Spain* (New York: Russell & Russell, 1967; 1927).

[37] On Mendoza's viceroyalty, see Ethelia Ruiz Medrano, *Gobierno y sociedad en Nueva España: segunda audiencia y Antonio de Mendoza* (Zamora: El Colegio de Michoacán, el Gobierno del Estado de Michoacán, 1991); *Recopilación de las leyes de los reynos de Indias*, 1:324 [lib. II, tit. XV, ley III]. For the audit of Viceroy Mendoza, see Lewis Hanke, ed., *Los virreyes españoles en America durante el gobierno de la casa de Austria*, BAE, 273 (Madrid: BAE, 1976), 110–120; AGI, justicia 259.

[38] Charles to Mendoza, Barcelona, 25 April 1535, AGI, Patronato 180, ramo 63; cited in Hanke, *Los virreyes españoles*, 29; cf., Charles Gibson, *The Aztecs under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519–1810* (Stanford: Stanford University Press, 1964), 83–84.

[39] CDI, ultramar, 9:309–339.

[40] *Recopilación de las leyes de los reynos de las Indias*, 2:119 [lib. V, tit. II, ley XV].

Viceroy Mendoza's major responsibility was to develop and support municipal councils, for this institution more than any other promoted economic growth and prosperity, as well as providing the benefits and security that Castilians were accustomed to in Castile.[41] As part of the process of colonization, democratic principles such as the practice of the popular vote, with which Indians could elect their executive official, the *gobernador* or *cacique*, were introduced. Regarding municipal self-rule among the Indians, Viceroy Mendoza wrote to the incoming viceroy, Luis de Velasco:

> Some will tell you that the Indians are humble and innocent, that they are not dominated by malice and pride, and that they are not envious people. And yet others say the opposite that they are profligate, lazy and are incapable of settling down. Do not believe either one for you must deal with them as with any other people, being careful not to make and enforce special rules.[42]

Mendoza advised the new viceroy that the Indians were quite capable of forging their own councils and exercising political privileges; he rejected the view that Indians were like cattle or sheep. The basic rules were those that the Spanish had been using for centuries, especially the tradition of local participation, which Mendoza believed Native Americans had begun to achieve. Such rules were to be flexible. In Mexico there were five methods of executive selection competing with that of popular vote. Four of these involved appointment by jurisdictional authorities: by powerful families and clans, by the Aztec emperor Montezuma II, by the *encomendero* or Spanish lord, or by a cleric. According to his response to the audit of 1543–1546, Mendoza tried not to step on the feet of the powerful,especially the *comendadores*, and insisted that he had encouraged the free election of *caciques* by the Indians themselves as the appropriate mechanism, or Castilian way, of municipal engagement. Mendoza thus sought to achieve a nominal level of municipal engagement among the indigenous groups.

In so doing, Viceroy Mendoza addressed the exploitation of Indian vassals by their Indian superiors in the context of the vassals often

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[41] Regarding muncipal councils in Indian jurisdictions, Mendoza added that "como los indios que vivían derramados se junten en pueblos, y en traza y policía, porque con más facilidad sean industriados en las cosas de nuesta santa fe católica" (Hanke, *Los virreyes españoles*, 107).

[42] Hanke, *Los virreyes españoles*, 42.

limited political participation. The abuse of Indian subjects (*maceguales*) was of concern to the king for at least two reasons; one was the high level of exploitation, which produced animosity, and the other was a decline in royal revenues.[43] According to Mendoza, *caciques* took too much produce from the land, especially with the tribute and food that the indigenous subjects were forced to hand over to them. The *caciques* were preexisting Native American lords, and even if they were to acquiesce to royal policies they nonetheless followed standards which were convenient for personal gain and consistent with their own interests and circumstances. Indian lords did not adhere to specified procedures and municipal standards typical of the Castilian municipality. The official assumption was that royal protection of *maceguales* was necessary because, according to the Spanish, *caciques* were tyrants who stole from their vassals.

Institutional Implementation and Procedures of Judicial Reform

Viceroy Mendoza took his cue from the Castilian reform programs of the 1520s: the requirement to audit royal judges, from *corregidores* to judges of the *audiencias*.[44] Mendoza kept records of the cases and fines of the appellate courts, the *audiencia* and *alcaldes mayores* (judges who handled cases between *moradores españoles, vecinos naturales* and Native Americans), and the city council of Mexico.[45] Procedures, especially audits, were then codified in *las leyes nuevas* of 1542.[46] The first step of the enforcement of the new laws was an audit of the viceroyalty, the *audiencia*, and the bishopric.[47] With *las leyes nuevas* of 1542, Charles augmented the scope of the *audiencia* of México, which increasingly began to hear cases outside of the jurisdiction of *corregidores* and *alcaldes mayores*.

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[43] Francisco J. Santamaría, *Diccionario de mejicanismos* (Mexico: Editorial Porrua, 1983): Aztec for vassal, 673; cf., Bernal Díaz del Castillo, *Historia verdadera de la conquista de la Nueva España (manuscrito 'Guatemala')*, ed. José Antonio Barbón Rodríguez (Mexico: El Colegio de México, 2005; 1568), chapter 65.

[44] Aiton, *Mendoza*, 47; AGI, 49–3–3/30, "residencia de Franco de Coronado and Cristóbal de Oñate."

[45] *Alcaldes mayores*, for example, earned 400 pesos of gold (Aiton, *Mendoza*, 66).

[46] Joaquín García Icazbalceta, ed., *Colección de documentos para la historia de México*, 2 vols. (Mexico: J.M. Andrade, 1858–1866), vol. 1.

[47] The provincials of the Dominicans, Franciscans and Augustinians went to Spain to defend the *encomienda* system and to criticize the New Laws (Aiton, *Mendoza*, 97–98).

Charles prohibited appeals to the Council of Indies, "unless the value of the estate is worth more than 10,000 pesos gold," thereby enlarging the capacity of the *audiencia*.[48] There was a high level of participation and a large degree of judicial activity from Spaniards and Indians who brought their cases to the *audiencia*.[49] With the growth of litigation came the need for self-reform, especially the procedure of audits.

Audits of the Appellate Courts

The crown required the auditing of all officials or functionaries, both Indian and Spanish.[50] Mendoza sent auditors to investigate the government of *caciques*, *gobernadores*, *alcaldes*, *alguaciles*, and *regidores*, and he delegated auditors (*juezes de residencia* and *visitadores*) to enforce royal law and priorities. The *juez de residencia* usually took up the office and held it for nearly a year in order to evaluate the performance of the incumbent judge. This procedure included the evaluation of the viceroy himself. *Visitas* were less comprehensive on-site audits, usually lasting a few months, whereas *residencias* were annual in duration and resulted in the appointment of a new appellate judge. The policy of *visita secreta* (an audit of an official who does not know he is being audited) was also a normal routine, and a procedure that every royal functionary, from viceroy to *corregidor*, knew he would endure.

As an instrument of law, good government, and peace, the procedure of audits exposed royal functionaries to the criteria of judicial and executive duties that had been articulated by the *procuradores* of the Castilian Cortes. In 1543 Charles sent a royal *visitador* or auditor, *consejero* Tello de Sandoval, to audit the viceroy, Antonio de Mendoza, and the *audiencia* for "the good government and administration of the Indies."[51] In 1546, the auditor revealed in his investigation of the viceroy a range of nefarious decisions that had exacerbated an outbreak of

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[48] Pilar Arregui Zamorano, *La audiencia de México según los visitadores (siglos XVI y XVII)* Instituto de Investigaciones Jurídicas, 9 (Mexico City: Universidad Nacional Autónoma, 1985; 1981), 17.

[49] For cases brought by Indians before the appellate court, see Susan Kellogg, *Law and the Transformation of Aztec Culture* (Norman: University of Oklahoma Press, 1995), chapter one.

[50] One of the complaints issued by the *comuneros* to Charles was the auditing of royal officials of *las Indias, islas, y Tierra Firme*. See Sandoval, *Historia del emperador*, 1:312–313.

[51] On the *visita* of 1543, see Arregui Zamorano, *La audiencia de México*, 68–74.

violence. The auditor exposed Viceroy Mendoza's apparent corruption. The city council of Mexico City felt that the viceroy did not allow them to communicate directly with the king. The appellate judges of Veracruz also claimed that the viceroy confiscated correspondence. In both examples, the viceroy was blocking the lines of communication royal subjects enjoyed with their monarchs, suppressing the popular referendum. Mendoza went further, according to the audit, playing the games of favoritism and patronage, enriching himself with livestock, and confiscating royal salaries of guardsmen for himself (2,000 ducats). Regarding the viceroy's Indian policy, the audit exposed the viceroy's rashness, his acquiescence in the mistreatment of the Indians, and his refusal to accept peace with the Indians, which led to the Mixton rebellion (1540–1542). According to the viceroy's opponents, Mendoza had sacrificed the rebellious Mixton Indians to the beasts, allowing them to be eaten alive by dogs; Indians were tortured and later hung and butchered by black slaves.[52] Those he did not kill, Mendoza enslaved and handed over to his cronies. He also channeled Indian taxes to his partners in crime rather than to the king.[53] The consequences of the audit were a management change and an institutional mandate. Mendoza was replaced in 1550, transferred to the viceroyalty of Peru in 1551, and an appellate court was established in the jurisdiction where the rebellion occurred.[54]

From Encomienda *to* Corregimiento

The Spanish believed that they liberated Mesoamericans from Aztec tyranny. The crown guaranteed judicial procedures, from Castile to New Spain where the Indians asked the Spanish "to protect them from

[52] According to Mendoza's biographer, the importation of Black slaves increased after *las leyes nuevas* were enforced (Aiton, *Antonio de Mendoza*, 89). For the import of 4000 slaves in 1529, see AGS, Estado, leg. 18, fol. 173, the Council of the Indies to Charles, Toledo, 17 May 1529.

[53] For a recent analysis of Antonio de Mendoza's audit and its consequences, see Escudero Buendía, *Francisco de Mendoza "el indio": protomonarca de México y Perú, comendador de Socuéllamos y capitán general de galeras (1524–1563)* (Guadalajara: Editorial AACHÉ, 2006), 61–67. I want to extend my thanks and gratitude to Dr. Escudero Buendía for an uncorrected proof.

[54] John H. Perry, "The Audiencia of New Galicia in the Sixteenth Century," *Cambridge Historical Journal* 6:3 (1940): 263–282; Perry, "The Ordinances of the Audiencia of Nueva Galicia," *The Hispanic American Historical Review* 18:3 (1938): 364–373.

the great lord who held them by tyranny and by force."[55] The Spanish provided institutions, courts and schools, to be supervised by the viceroy. Authorities thus backed legal institutions and educational strategies that were not solely the domain of ecclesiastical groups. But the plan of civic education had its problems in spite of the application of management reforms. Charles was especially concerned about *pueblos encomendados*, the jurisdictions under the supervision of lords (who included both Native Americans *caciques* and Spanish *comendadores* or *encomenderos*). One well-tested strategy used by Castilians to reform institutions was the audit of royal judgeships, so the strategy to transform local and native lordships into royal offices accountable to performance standards became a priority for the Castilian administration. The *corregidor* and *alcalde mayor* increasingly came to administer justice at the local level.[56]

The crown believed that the *encomendero* lords had been unable to indoctrinate and to teach Spanish to the Indians under their care; whether *caciques* or *españoles*, they had not achieved any level of success. Charles told Viceroy Mendoza to delegate this responsibility to the *corregidores*.[57] In a letter by Empress Isabel, a list of duties was outlined, and such duties extended to the *corregidor*.[58] Widespread literacy was the goal: the Indians were to learn Spanish, the priests were to learn indigenous tongues, and a comprehensive bilingual program was to be established to teach Indian languages to Spanish children, who upon reaching adulthood, would take up religious and governmental vocations.[59]

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[55] In his letter to Charles Hernán Cortés adds that the Indians of the central valley of Mexico "have been very loyal and true in the service of your Highness, and I believe that they will always be so, as they are now free of his [Montezuma] tyranny, and because they have always been honored and well treated by me" (50–51). *Hernán Cortés: Letters from Mexico*, trans. Anthony Pagden (New Haven: Yale University Press, 1986). For Spanish text, see *Cartas de relación de Hernán Cortés*, ed. Ángel Delgado Gómez (Madrid: Editorial Castalia, 1993).

[56] For an explanation of this development and description of the growth of political jurisdictions, especially *alcaldías mayores* and *corregimientos*, see Peter Gerhard, "Colonial New Spain, 1519–1786: Historical Notes on the Evolution of Minor Political Jurisdictions," in *Handbook of Middle American Indians, Vol. 12: Guide to Ethnohistorical Sources, Part One*, ed. Howard F. Cline, Middle American Research Institute, Tulane University, general editor Robert Wauchope (Austin: University of Texas Press, 1972), 63–137, especially 79–129.

[57] Hanke, *Los virreyes españoles*, 32.

[58] For *corregidor* appointments, dates, and salary during the viceroyalty of Mendoza, see Ruiz Medrano, *Gobierno y sociedad en Nueva España*, appendix 1, 351–384. See also Gibson, *The Aztecs under Spanish Rule*, 95, 186–188.

[59] Hanke, *Los virreyes españoles*, 39.

Viceroy Mendoza served for over fifteen years (1535–1550), during which time he sought to implement 'civilizing' policies, especially via the office of the *corregidor*. In addition, in the 1530s President Tavera began the process of the elimination of the system of *encomiendas*. Tavera recruited jurists for *corregimientos* (*comendadores* of the *encomiendas* were not royal functionaries and were not held accountable to the management standards enforced upon *corregidores*), as well as clerics to serve in parishes in New Spain.[60]

Conclusion

The Spanish had not become dominant in Middle America, even by the mid-sixteenth century; their so-called colony of New Spain was in reality a very loose alliance of a handful of Castilian towns and a large number of Indian jurisdictions under the rule of Indian lords. By the time of Antonio de Mendoza's audit the population included only 5% Spaniards and 5% Blacks; the remainder was Indian.[61]

Castilian institutions established in the 1530s nonetheless had become permanent features of colonial Mexico. The monarchy and its subjects had successfully colonized the Castilian value system beyond the Mediterranean to the American continent. The Spanish advanced a discourse of judicial benevolence, applying traditional and classical models of Roman cities to the conquered areas.[62] A discourse of justice appears in the data of Castilian expansionism, municipal development, and the institutionalization of *audiencias* and tribunals. Monarchical benevolence in the form of judicial accountability informs official chronicles as well.[63] Though the Spanish used this discourse to justify

[60] On Catholic reform policies, see Tavera to Charles, Ocaña, 13 April 1531, AGS, Estado, leg. 22. fol. 201. On the *encomienda* as a highly dangerous policy, see Tavera to Charles, Madrid, 7 Nov. 1529, AGS, Guerra Marina, leg. 2, fol. 64: "Negocios de las Indias nos hemos juntado los del consejo real y los del consejo de las Indias y de la hacienda…despues de muchas pláticas todos de conformidad ha sido en que las encomiendas de los indios en la Nueva España son dañosos y no se deven tolerar de aqui adelante sino que los indios de paz se deben poner en tal libertad."

[61] Gibson, *The Aztecs under Spanish Rule*, 141; Solange Alberro, *Del gauchupín al criollo: o cómo los españoles de México dejaron de serlo* (Mexico: Colegio de México, Centro de Estudios Históricos, 1992), 55; Peter Boyd-Bowman, "Patterns of Spanish Emigration to the Indies until 1600," *Hispanic American Historical Review* 56 (1976): 580–604, 601.

[62] For description and heritage of the Spanish grid, see John H. Elliott, *The Old World and the New, 1492–1650* (Cambridge: Cambridge University Press, 1970), 15.

[63] For royal propaganda, in particular Charles' representation as the fount of justice, see Richard Kagan, "La propaganda y la políticas: las memorias del emperador,"

their policies, the language was consistent with the reality of legal access, judicial accountability, and political participation. At the local level, city councils also shared a similar discourse of the common good as functioning within and by means of judicial mechanisms. Municipal self-representation highlighted its judicial contract with the monarch.[64] By establishing a viceroyalty and an appellate system in Mexico, Charles transplanted the 1523 reform program consisting in its management policies and procedures.

After the conquest of Mexico by the citizens of Veracruz, Charles enlarged his empire (*imperio*) of royal towns, providing his heirs a jurisdictional commitment that required continuous reform. Charles' system was engineered to regulate itself, and the blueprint of management procedures had been hammered out at the same time that the *conquistadores* of Mexico transformed Middle America. The standards that the *comuneros* and the Cortes had articulated for Charles applied to royal officials in New Spain, from the appointment of *letrados* to management policies of *visitas* and *residencias*.[65] These judicial mechanisms were set in place in Mexico a decade after the conquest, facilitating Spanish colonization and securing Habsburg rule in the New World.

1:209–216, 211; José Luis de las Heras Santos, *La justicia penal de los Austrias en la corona de Castilla* (Salamanca: Ediciones Universidad de Salamanca, 1991), 31. For articulation of reciprocal justice between Charles and the cities, see the formulation by Santa Cruz, *Crónica del emperador*, 2:358–370. For his qualities and demeanor, especially his fulfillment of judicial responsibilities, see Santa Cruz, *Crónica del emperador*, 1:37–40, 39. Sandoval, *Historia del emperador*, 81:327, also notes Charles' implementation of justice (in this case one session of the Cortes presided by President Tavera). For justice as the royal function, see Jerónimo Castillo de Bobadilla, *Políticas para corregidores y señores de vassallos*, 2 vols. (Madrid: RAH, 1978; 1704), 1:221–249, 223–224.

[64] On municipal self-representation, see Diane E. Sieber, *Historiography and Marginal Identity in Sixteenth-Century Spain* (Nottingham: University of Nottingham, 2002), 108–147. For the praxis of town charters, see Nader, *Liberty*, chapter one.

[65] Gerhard, "Colonial New Spain, 1519–1786," 75–78: Gibson, *The Aztecs under Spanish Rule*, 92, 101–110; John H. Elliott, *Empires of the Atlantic World: Britain and Spain in America, 1492–1830* (New Haven: Yale University Press, 2006), 122–123, 138.

CONCLUSION

I have assessed sixteenth-century political discourses and have reconstructed how the post-*comunero* executive forged a legal system based on the policies configured by the Castilian parliament. The parliamentarians used their civic traditions to rebuild a governing apparatus subject to management criteria crafted over the years by the *procuradores* to the Cortes. I have used parliamentary resolutions and the *comunero* grievances to show the interplay of royal authority and municipal power. The implementation of management policies for the bureaucracy reveals both the responsibilities of the king as the basis of royal authority and the expectations of the cities and towns as the barometer of royal competence. The *comunero* discourse of justice became the blueprint for Charles' reform program, which he used to secure his rule in Spain after the civil wars and to expand the Spanish empire. He established a meritocracy while the cities and towns of the Cortes provided management policies, standards, and legal reforms that guided administrators, judges, and auditors. Charles centralized the Castilian system and its colonial project by means of judicial offices and procedures. The post-*comunero* referendum transformed government; the Spanish government became more efficient, flexible, and improvisatorial.

Spanish sixteenth-century political conversations possess a powerful judicial tone. Local courts and town councils proved, in the long run, to be enduring mechanisms for the survival and stability of pre-modern Spanish communities, sharing a legal language grounded upon institutional foundations—a meritocratic and accountable judiciary and democratic municipal councils. Council meetings, appellate courts, and parliamentary plena were the forums where citizens of towns and cities resolved their conflicts. They believed that their legal system worked sufficiently well and even held their superiors to high expectations of judicial management. Castilians prospered in a climate of domestic stability because they shaped the bureaucracy and they used their parliament to promote their agenda. The prevalence of accessible and reputable courts in Spain and its colonial possessions, from local *corregimientos* to the Council of Castile, sustained a Spanish-speaking empire of *ayuntamientos* for centuries, outlasting dynasties, foreign governments, and liberal experiments.

The judicial features of the Spanish empire should be just as important to us as its expansionism (and eventual 'decline') as we set about evaluating the political system in the context of early modern government and society. If we wish to suggest that there was a decline, our claim should be based on numerous factors—not just warfare, dynastic politics, and map changes. The evolution of political systems (and not decline) better clarifies the trajectory of medieval monarchies and their colonial projects. Medieval crowns such as Castile changed into sovereign territorial states—a process that resulted in the diminution of local autonomy and the termination of composite monarchies. My suggestion is that the modern state and its disciplinary, militarization, and centralization capacities transformed the decentralized nature of dynastic government consisting of self-reliant communities. The modern state also adapted the medieval principles of local autonomy and municipal sovereignty—principles by which the modern state transformed local identity into a national consciousness. The evolution of the early modern state can thus be characterized not as the decline of the Spanish empire but rather as the 'evolutionary adaptation' of a whole new system of sovereign states.

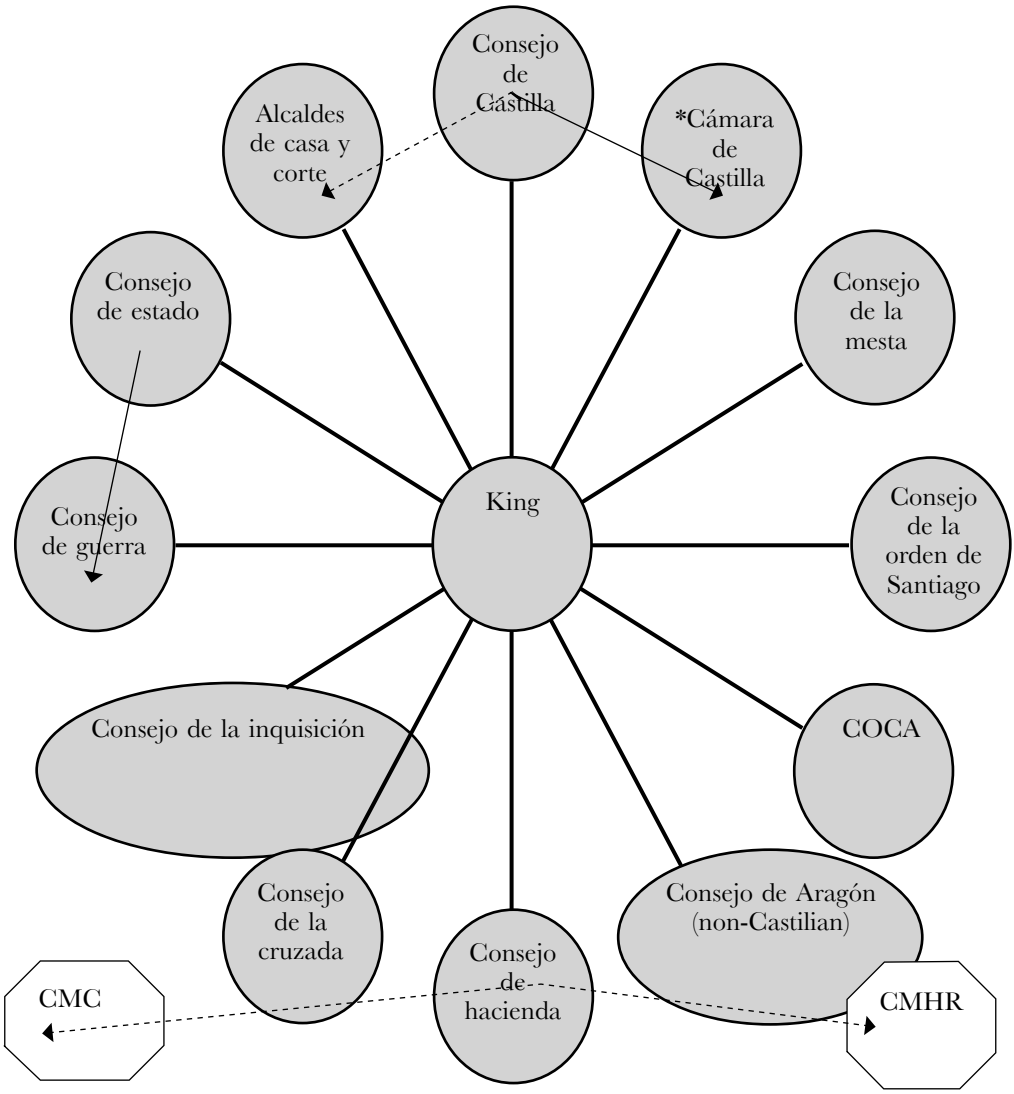
The history of the reign of Charles as the king of Spain reveals to us that the dynastic system of government was a contingent instrument of judicial oversight, and that the viability of the monarchy depended on the willingness of the municipal network to support it. The Spanish empire was a community of a tradition of justice, a community sharing a judicial apparatus, and an interconnected system of municipal expansionism. The Cortes promoted policies in order to sustain its republic of autonomous towns and cities loyal to a monarchy as long as that monarchy was accountable. The Habsburg monarchy continued in the long run to be one of the successful dynastic states that had been capable of securing a bond, so often reconstituted by the Cortes, between lords and administrative units within a juridical tradition of absolute power and the common good shared by all of them. When a monarch broke this alliance, the result was a dynastic crisis that involved the cities and towns and their representative institution, the Cortes. It was not enough that Charles was the heir to the crown of Castile; it was necessary that he prove to be a just king and thus be acceptable to the Cortes. The Cortes was thus one of the central platforms where municipalities demonstrated in unison their autonomy and their expectations of royal justice. Individually, municipalities were in control of their own destinies, enduring not only Charles' troubles but also two

centuries of dynastic vagaries and royal bankruptcies with hardly any impact upon their own local and regional environments.

I hope that my assessment of the evidence has provided a new perspective on how sixteenth-century subjects of the municipalities of the Spanish empire held high expectations of their democratic system. The Spanish people were not oppressed victims of the bureaucracy, but rather they were the fundamental agents of government reconstruction and management. They were highly demanding citizens of towns and cities who used their institutions, which they reformed continually, to challenge anyone who threatened their privileges—from the monarch and his authorities to other individuals and municipalities.

APPENDICES

FIGURES, TABLES AND MAPS



King's power to appoint
council sub committee
council supervision
CMC (*contaduría mayor de cuentas*)
CMHR (*contaduría mayor de hacienda y rentas*)
COCA (*consejo de las órdenes de Calatrava y Alcántara*)
* This committee was the *consejo de la cámara* prior to the *comunero* revolt.

Fig. 1. Reformed Castilian Administration after the *comunero* revolt.

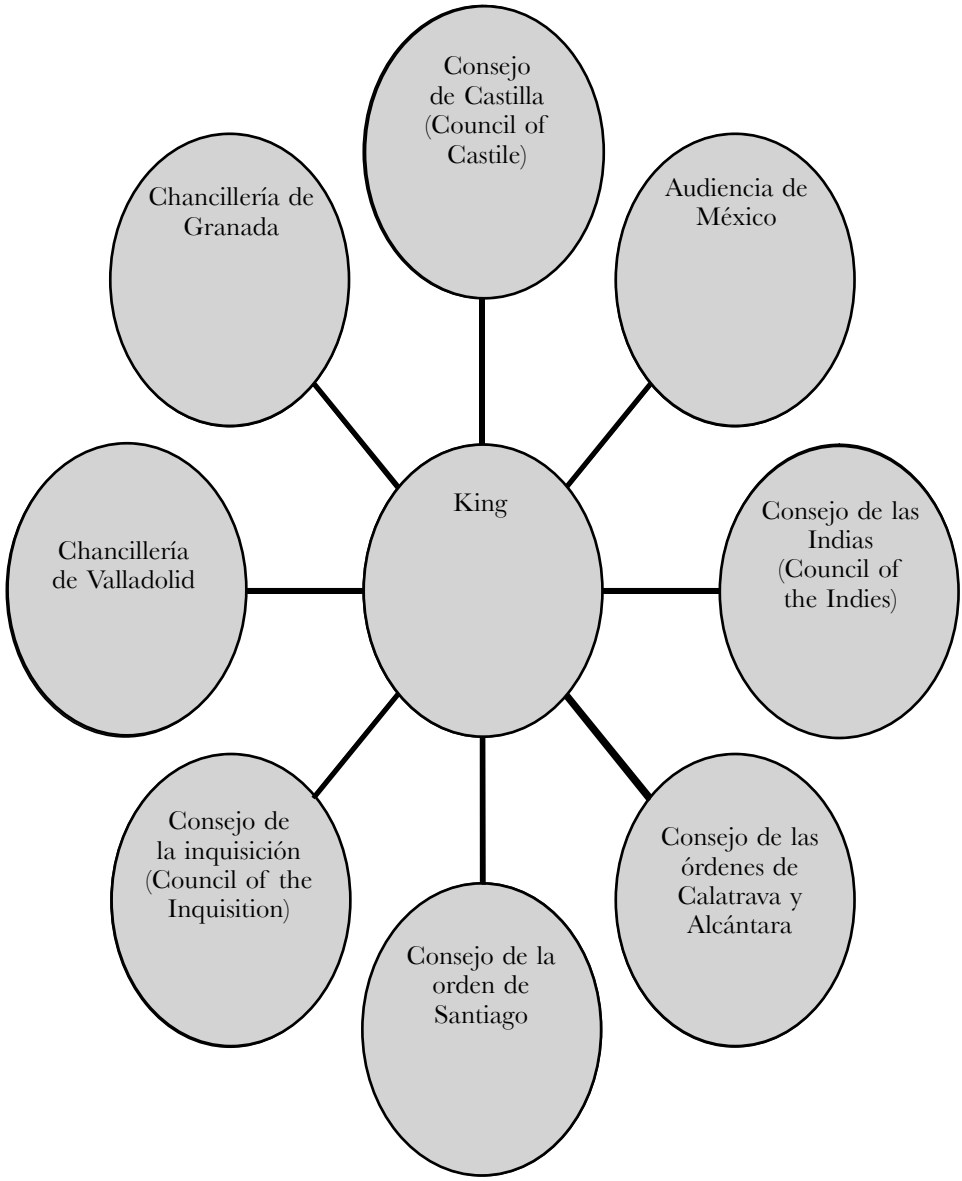
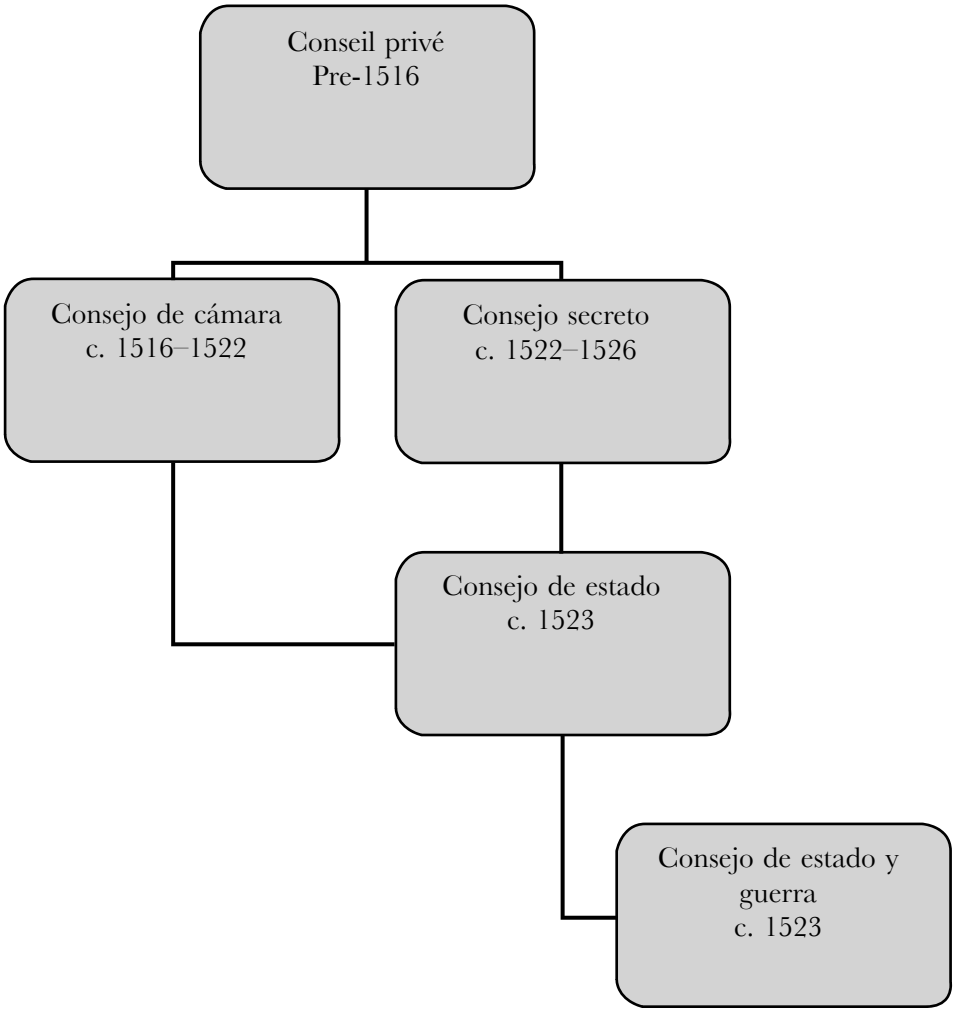

Consejo de Castilla (Council of Castile)
Chancillería de Granada
Audiencia de México
King
Chancillería de Valladolid
Consejo de las Indias (Council of the Indies)
Consejo de la inquisición (Council of the Inquisition)
Consejo de la orden de Santiago
Consejo de las órdenes de Calatrava y Alcántara
Power to Appoint

Fig. 2. Organizational Chart of the Castilian Judiciary.



Lines show interconnection between *consejo* designations. Intersecting lines reveal the permeable nature of the *consejos*. By 1524 the *consejo de estado y guerra* includes members who had served in the *conseil privé* and the Spanish *consejo secreto* and *consejo de cámara*. In 1524, the documents refer to the *consejo de estado* and *consejo de estado y guerra* interchangeably.

Fig. 3. Hispanicization of Charles' Privy Council.

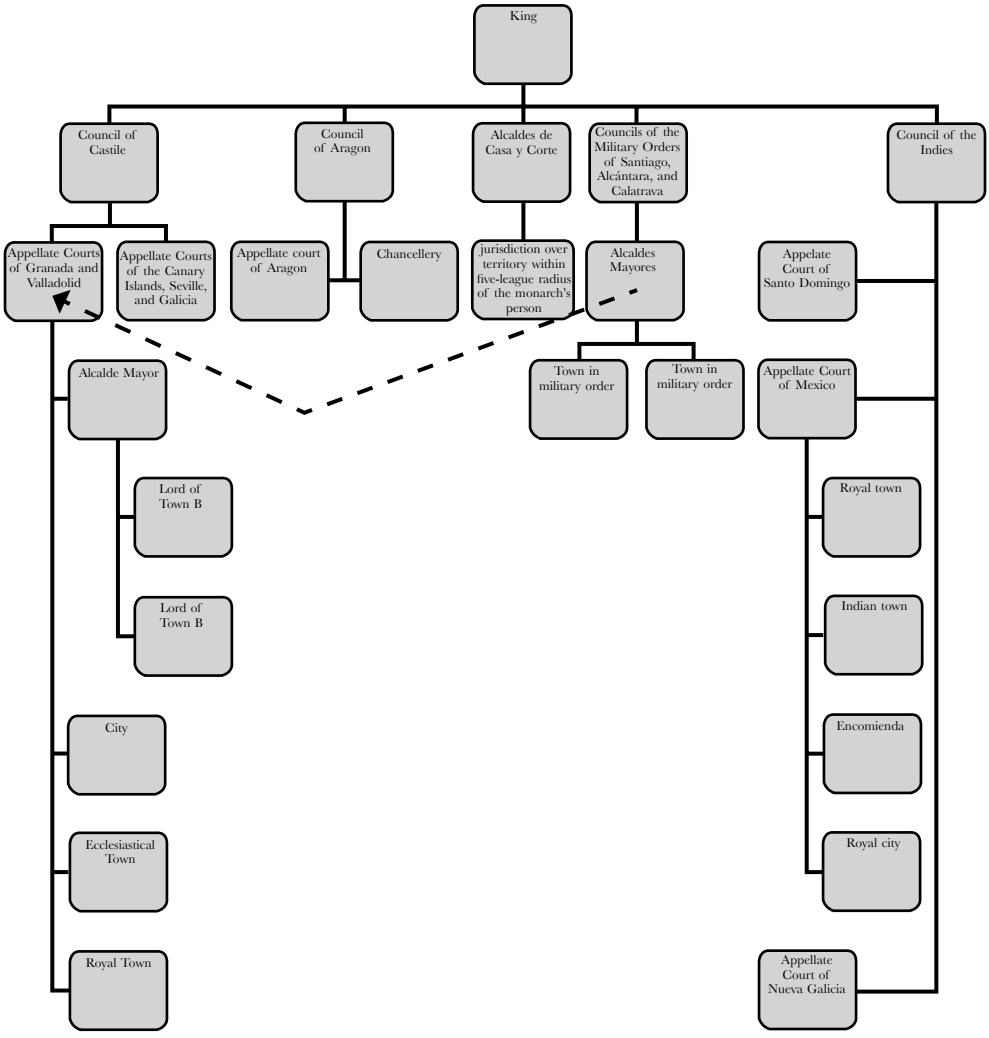


Fig. 4. Organization chart of the Spanish Appellate System after the 1523 Reforms.

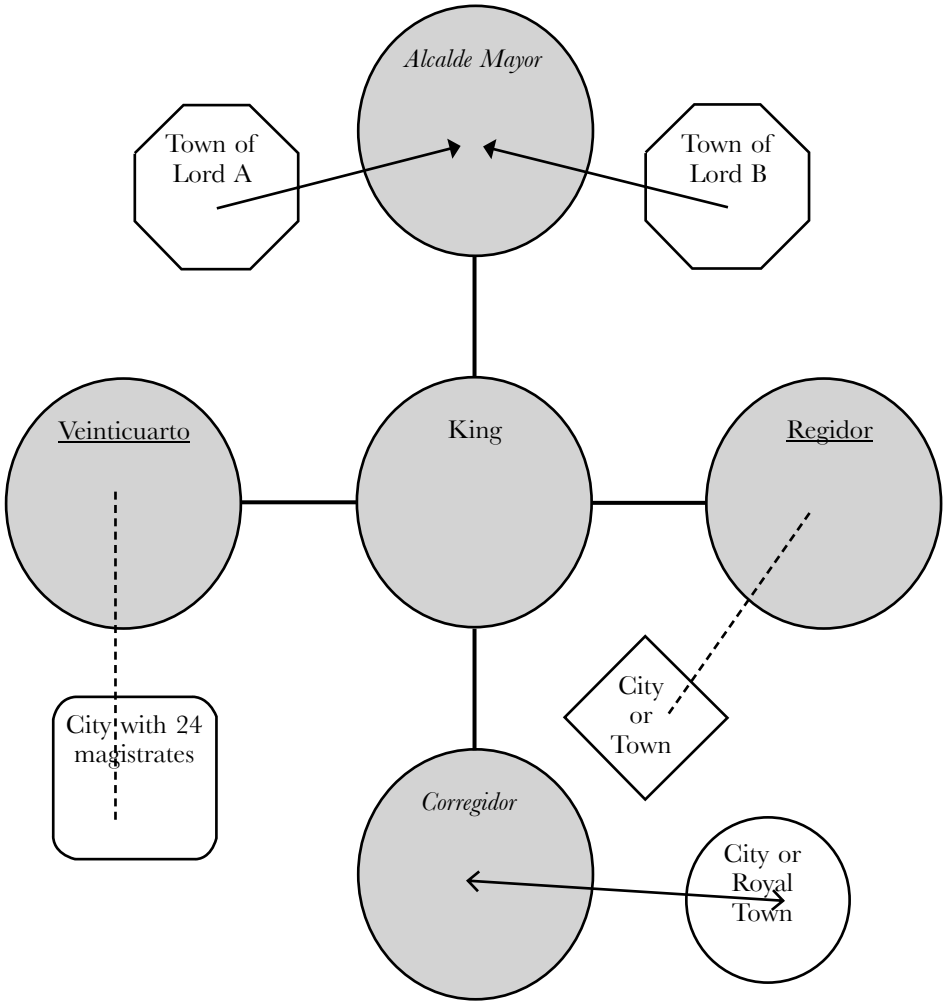


Fig. 5. Royal appointments at the local level.

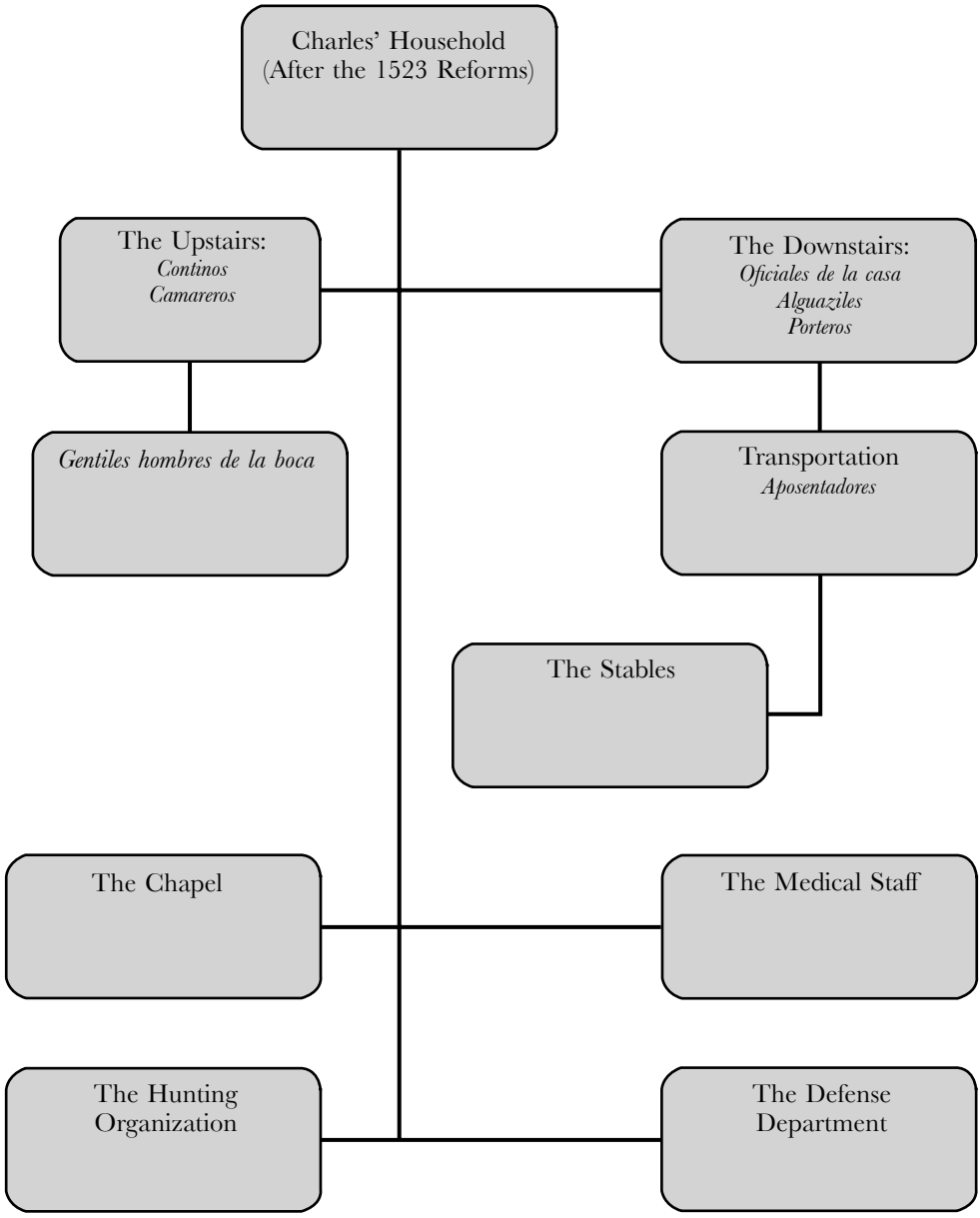


Fig. 6. Charles' Spanish Household constructed after the *comunero* revolt.

Fig. 7. Habsburg Spain: Principal Appellate Courts and Jurisdictions.

Royal Territorial Jurisdictions[1]

Algeciras, kingdom of
Álava, province (*provincia*) of
Aragon, crown of
Asturias, principality of
Balearic Islands, kingdom of
Barcelona, county of
Canary Islands, kingdom
Castile and León, crown of
Catalonia, principality of
Galicia, kingdom of
Gibraltar, kingdom
Granada, kingdom of
Guipúzcoa, province (*provincia*) of
Mallorca, kingdom of
New Spain, (*las Indias y Islas y Tierra Firme del Mar Océano*) kingdom of
Jaén, kingdom of
Molina, lordship of
Murcia, kingdom of
Navarre, kingdom of
Seville, kingdom of
Toledo, kingdom of
Valencia, kingdom of
Vizcaya, county and lordship of

Royal Appellate Courts of the Crown of Castile

Galicia, *audiencia* of,
Granada, *chancillería* of,
Mexico, *audiencia* of,
Santo Domingo, *audiencia* of,
Seville, *audiencia* of
Valladolid, *chancillería* of,

Viceroyalties of the Crown of Castile

Navarre
New Spain
Peru

Castilian municipalities with *corregimientos* (*alcaldías mayores* are specifically noted)

Alhama (office includes Loja)
Alcaráz
Albacete
Almería (office includes Guadix and Baza)
Aranda
Arévalo
Baeza (office includes Úbeda)
Badajoz
Baza (office includes Almería and Guadix)
Burgos
Cádiz
Carrión
Cartagena (office includes Murcia and Lorca)
Castro-Urdiales (office includes Laredo, Santander, and San Vicente; also classified as Las Cuatro Villas de la Costa)
Ciudad Rodrigo
Córdoba
La Coruña
Cuenca

[1] Territorial distinctions based on Charles' marriage contract and the Spanish translation of the Latin text. See "Capitulación del matrimonio del emperador Carlos V con la serenísima infante doña Isabel, hermana del rey don Juan de Portugal, Toledo, 24 Oct. 1525, RAH, Colección Salazar, A. 36, fols. 69–76; cited in CDCV, 1:100–115.

Écija
Gibraltar
Granada
Guadalajara
Guadix
Jaén
Jerez de la Frontera
Laredo (office includes Castro Urdiales, Santander, and San Vicente; also classified as Las Cuatro Villas de la Costa)
León
Loja (office includes Alhama)
Lorca (office includes Murcia and Cartagena)
Madrid
Madrigal
Málaga
Medina del Campo
Molina (de Aragón)
Mondoñedo
Murcia (office includes Lorca and Cartagena)
Oviedo (*corregidor de Asturias*)
Palencia (*alcalde mayor*)
La Palma (Canary Islands)
Plasencia
Requena (Valencia)
Salamanca
San Clemente
San Vicente (office includes Santander, Laredo, and Castro Urdiales; also classified as Las Cuatro Villas de la Costa)
Santa María (Canary Islands)
Santander (office includes Castro Urdiales, Laredo, and San Vicente; also classified as Las Cuatro Villas de la Costa)
Santiago de Compostela (*alcalde mayor de Galicia* and *corregidor de Galicia*)
Santo Domingo de la Calzada
Segovia
Sepúlveda
Seville (*alcalde mayor* and *corregidor*)
Soria
Tenerife (Canary Islands)
Toledo
Toro
Trujillo
Úbeda (office includes Baeza)
Valladolid
Villa Nueva de la Jara
Vizcaya
Zamora

Royal Appellate Courts of the Crown of Aragon
Aragon, *audiencia* of
Catalonia, *audiencia* of

Viceroyalties of the Crown of Aragon
Catalonia
Mallorca (*gobernador*)
Naples
Sicily
Sardinia
Valencia

Table 1. Charles' Itinerary.

Born in Ghent (25 Feb. 1500)	The Low Countries (1500–17)	Spain (1517–20)	England, The German empire, The Low Countries, England (1520–22)	Spain (1522–29)
Italy (1529–30)	The German empire (1530–31)	The Low Countries (1531–32)	The German empire (1532–32)	Italy (1532–33)
Spain (1533–35)	Tunis (1535)	Italy (1535–36)	Provence (1536)	Genoa (1536)
Spain (1536)	Rousillon, Villefranche, Nice (1538)	Spain (1538–39)	France, The Low Countries (1539–40)	The German empire (1541)
Italy, Algiers (1541)	Spain (1541–43)	Genoa, Italy, The German empire (1543)	The German empire, France, The Low Countries (1544–45)	The Low Countries, The German empire, The Low Countries (1545)
The German empire (1546–48)	The Low Countries (1548–50)	The German empire (1550–53)	The Low Countries (1553–56)	Monastery in Yuste, Spain, (1556–† 21 Sept. 1558)

Table 2.1. The Council of Castile in 1526.

	Pedro de Oropesa	Lorenzo Galíndez de Carvajal	Toribio Gómez de Santiago	Luis González de Polanco
University	Salamanca, Doctorate in Law	Salamanca, Doctorate in Law	Salamanca	Salamanca?
Colegio Mayor	San Bartolomé (1478)		San Bartolomé (1496)	
Auditor				
Inquisitor Military Order		Knight of Calatrava (1514)		Council Inquisition (1521–28)
Corregidor Regidor		Regidor of Tenerife, Plasencia, Salamanca		
Alcalde Casa y Corte				(1494–1505)
Chancery		Oidor Valladolid (1499–1502)		Oidor Valladolid (1492–94)
Councils				Mesta (1526–?)
Council of Castile	(1491–1529)	(1502–27)	(1503–34)	(1505–42)
Cámara de Castilla		(1517–27)		(1527–42)

Table 2.2. The Council of Castile in 1526.

	Fortún Íbañez de Aguirre	Juan Cabrero	Rodrigo de Coalla	García de Padilla
University	Licentiate Salamanca?	Doctorate in Law Salamanca?	Licentiate Salamanca?	Licentiate Salamanca
Colegio Mayor				
Auditor				
Inquisitor Military Order	Council Inquisition (1509–47)		Council Inquisition (1492)	Calatrava (1507)
Corregidor Regidor		Corregidor Murcia (1487)		
Alcalde Casa y Corte				
Chancery	Oidor Valladolid (1502)		Alcalde Valladolid (1487)	
Councils				
Council of Castile	(1506–47)	(1510–28)	(1514–28)	(1516–42)
Cámara de Castilla	(1535–47)			(1516–28)

Table 2.3. The Council of Castile in 1526.

	Hernando de Guevara	Cristóbal Vázquez de Acuña	Pedro de Medina	Martín Vázquez
University	Bologna	Salamanca?	Salamanca?	Doctorate Valladolid; Law Professor (1499–1506)
Colegio Mayor	St. Clement			Santa Cruz
Auditor				
Inquisitor Military Order	Council Inquisition (1523–29)		Council Inquisition (1492)	
Corregidor Regidor		Corregidor Guipúzcoa (1507–09)		
Alcalde Casa y Corte				
Chancery		Oidor Valladolid (1509–?)	Alcalde Valladolid (1487)	Oidor Valladolid; Oidor Granada (1508)
Councils	Finance (1537–46)			
Council of Castile	(1517–46)	(1519–37)	(1514–28)	(1523–34)
Cámara de Castilla				

Table 2.4. President Tavera's Sponsorship of Councilors of the Council of Castile.

	Pedro Manuel	Gaspar de Montoya	Luis de Corral	Hernando Girón
University	Licentiate Salamanca?	Licentiate Salamanca	Licentiate Salamanca?	Licentiate Valladolid
Colegio Mayor		San Bartolomé		Santa Cruz
Auditor				
Inquisitor				
Corregidor				Vizcaya (1527)
Alcalde Casa y Corte				(1535–?)
Chancery	Oidor Valladolid (1520–26)	Oidor Valladolid (1523–27)	Oidor Valladolid (1497–28)	Oidor Granada (1513–26)
Councils	Indies (1527)	Indies (1528); The Empress (1528–1533)		
Council of Castile	(1528)	(1529–1536)	(1528–51)	(1529–44)
Cámara de Castilla				(1538–44)

Table 3.1. Prelate Presidents of the Chancery of Valladolid.

	Juan Tavera	Pedro González Manso	Fernando de Valdés
Council of Castile	President (1524–39)		President (1539–46)
Council of the Inquisition	Tribunal Judge (1505–?); Inquisitor General (1539–45)	Inquisitor of Valladolid; Councilor (1508–25)	Councilor (1524–35); Inquisitor General (1547–66)
Archbishoprics	Toledo (1534–45); Santiago (1524–34)		Seville (1546–68)
Bishoprics	Ciudad Rodrigo (1514–23); Osma (1523–24)	Guadix (1523–24); Tuy (1524–25); Badajoz (1525–32); Osma (1532–37)	Elna (1529–30); Orense (1530–32); Oviedo (1532–39); Sigüenza (1539–46)
University	Salamanca, Canon Law (1505)	Valladolid, Canon Law, doctorate	Salamanca, Canon Law
Colegio Mayor		Santa Cruz (1493)	San Bartolomé (1512)
Presidency of Valladolid	(1523–1524)	(1524–35)	(1535–39)
Tavera Candidate		Since 1524	Since 1525
Other positions	Auditor; University Rector		Auditor; University Rector

Table 3.2. Prelate Presidents of the Chancery of Granada.

	Pedro Ribera	Francisco de Herrera	Rodrigo Sánchez de Mercado	Diego Avellaneda	Jerónoimo Suárez Maldonado
Council of Castile					
Inquisition					Councilor (1524–44)
Archbishoprics		Granada (†1524)			
Bishoprics	Mallorca (1507–11); Segovia (1511–43)		Mallorca (1511–30); Avila (1530–48)	Tuy (1525–37)	Mondoñedo (1525–1532); Badajoz (1532–45)
University		Salamanca			Alcalá, Canon Law; Salamanca, Law
Colegio		San Bartolomé			San Bartolomé
Presidency of Granada	(1521–22)	(1524)	(1525–30)	(1530–33)	(1533–38)
Tavera Candidate			Since 1524	Since 1525	Since 1514
Other positions	Auditor	Auditor		Auditor	Ecclesiastical Judge in Salamanca; Oidior Valladolid (1517–?); President Council of Finance (1536–45)

Table 4.1. Judges of the Chancery of Granada, 1526.

	Education	Tavera Associate	Judicial Posts	Executive Positions	Ecclesiastical Benefices
Jerónimo Briceño	Licentiate Salamanca	Since 1524	Alcalde Granada (1508–17); Auditor (1536); Oidor Granada (1535)	Council Castile (1537–42)	
Gonzalo Castro	Licentiate San Bartolomé 1508	Since 1530	Oidor Granada (1520–1530?)	Military Orders (1530–34?); Council Castile (1535–36)	
Rodrigo de la Corte	Salamanca?	Since 1528	Oidor Granada (1515–25); Oidor Valladolid (1526–28)	Council Indies (1528–30)	
Juanes de Avila	Doctorate Salamanca		Alcalde Granada (1520–26); Alcalde Valladolid (1526–28)		
Diego Escudero	Doctorate Santa Cruz (1509)	Since 1525	Oidor Granada (1517–26); Oidor Valladolid (1526–33)	Council Castile (1533–51); Cámara (1545–51)	
Fernando Girón	Licentiate Santa Cruz (1494)	Since 1524	Oidor Granada (1513–29)	Council Castile (1529–44)	
Illescas	Licentiate		Oidor Granada (1513–29)		
Martín López de Oñate	Licentiate Salamanca?		Auditor (1525); Alcalde Granada (1525–30?)		
Miguel Muñoz	Licentiate San Bartolomé (1521)	Since 1527	Alcalde Granada (1521–35); President Valladolid (1547–53)		Tuy (1540–47); Cuenca (1547–53)

Table 4.2. Judges of the Chancery of Granada, 1526.

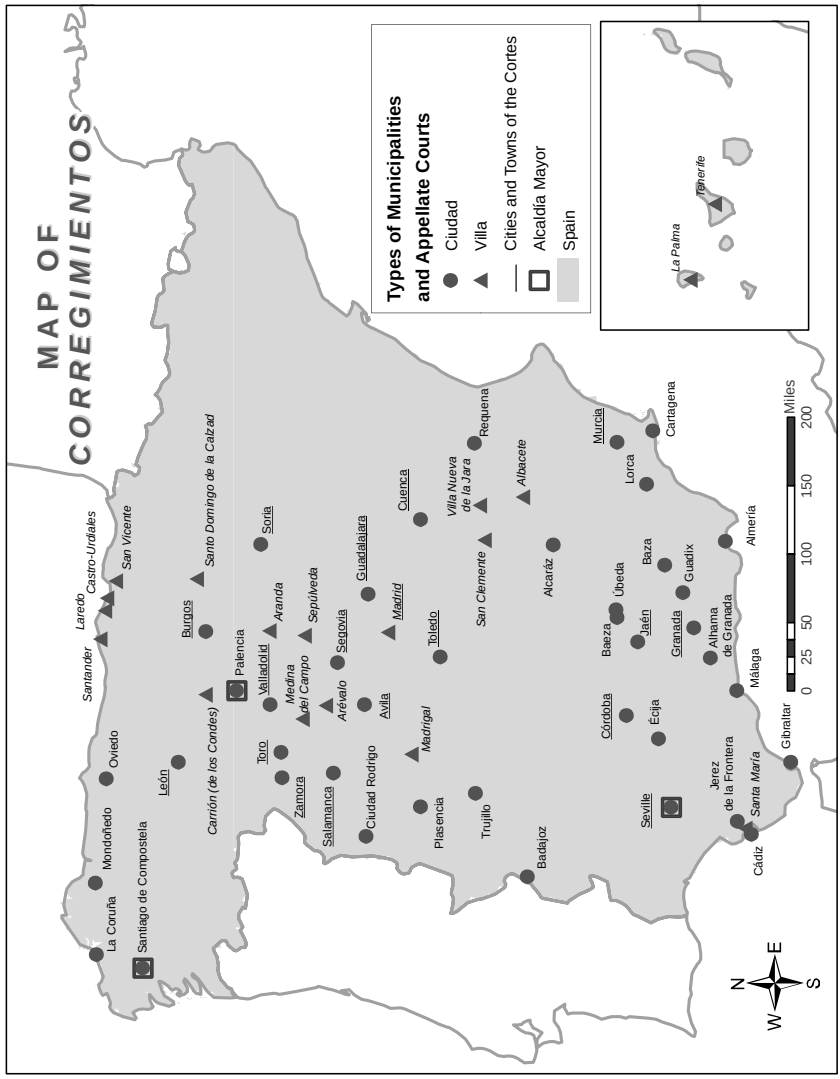
	Education	Tavera Associate	Judicial Posts	Executive Positions	Ecclesiastical Benefices
Pedro Nava	Doctorate Salamanca?	Since 1527	Oidor Granada (1520–27); Oidor Valladolid (1527–35)		
Diego Perero	Licentiate San Bartolomé (1514)		Oidor Seville (1522–26); Oidor Granada (1526–28)	Council Military Orders (1528–33)	
Juan Pisa	Licentiate	Since 1527	Oidor Granada (1513–35); Oidor Valladolid (1535–?)		
Ramírez de Alarcón	Licentiate	Since 1532	Oidor Granada (1524–35?)		
Miguel Ribera	Doctorate Del Arzobispo	Since 1527	Fiscal Granada (1527–35); Oidor Valladolid (1535–48);	Alcalde Casa y Corte (1548–?)	
Bernardino Rivera	Doctorate		Fiscal Granada (1523–28)		
Juan de Rojas	Licentiate	Since 1527	Alcalde Granada (1524–30?)		
Juan Suárez de Carvajal	Colegio Mayor Cuenca; Professor of Law at Salamanca	Since 1527	Auditor Audiencia Seville and Casa de Contratación; Grado in Seville; Corregidor and Alcalde Mayor; Oidor Granada (1525–29); Oidor Valladolid (1529–35?)	Council Indies (1529–43); Council Crusade (1543–46); President Council Finance (1546–54)	Lugo (1539–61)
Cristóbal Toro	Licentiate Salamanca?		Grado in Seville (1527–32?); Alcalde and Oidor of Granada (1509–26)		
Gutierre Velázquez	Licentiate		Oidor Granada (1525–35)	Council Indies (1535–51)	

Table 5.1. Judges of the Chancery of Valladolid, 1526.

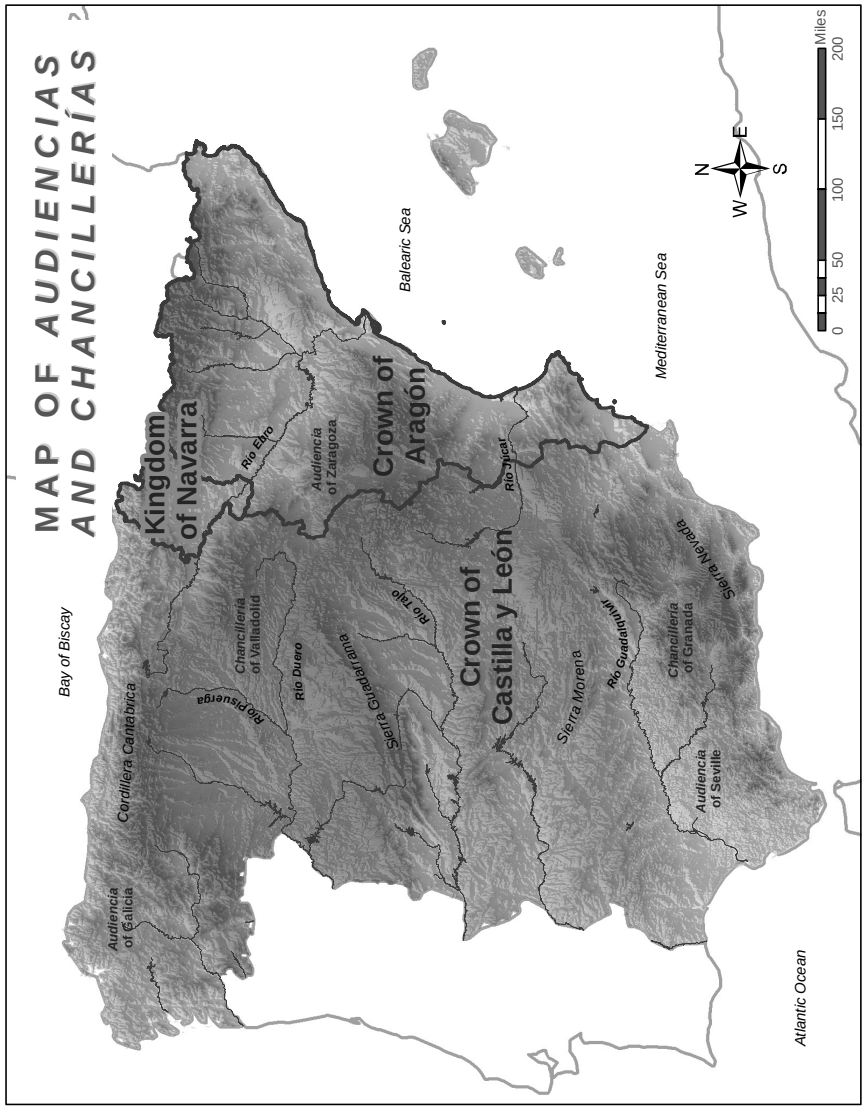
	Education	Tavera Associate	Judicial Posts	Executive Positions	Ecclesiastical Benefices
Pero González de Illescas	Licentiate Salamanca?		Oidor Valladolid (1526–?)		
García Martínez de Ribera	Licentiate Salamanca?		Oidor Valladolid (1503–28?)		
Luis de Corral	Doctorate Salamanca?	Since 1524	Oidor Valladolid (1497–28)	Council Castile (1528–51)	
Pedro Manuel	Licentiate Salamanca?	Since 1526	Oidor Valladolid (1520–26)	Council Indies (1527); Council Castile (†1528)	
Rodrigo de la Corte	Licentiate Salamanca?	Since 1528	Oidor Granada (1515–25); Oidor Valladolid (1526–28)	Council Indies (1528–†1530)	
Fernán Suárez	Doctor, Bologna	Since 1527	Oidor Valladolid (1526?–35); Alcalde (1549–54)	Alcalde de Corte (1554–64)	
Sebastian de Peralta	Salamanca?		Oidor Valladolid (1526?–1534); Oidor Granada (1534–†35)		
Gaspar de Montoya	San Bartolomé 1515; professor of Law	Since 1527	Oidor Valladolid (1523–28)	Council Indies (1528–29) Council Castile (1529–†36)	
Juan Sarmiento	Santa Cruz 1506		Alcalde Valladolid (1506–23); Corregidor (1522); Oidor Valladolid (1524–27)	Council Military Orders (1528–52); Council Indies (1552–63)	
Francisco de Isunza	Santa Cruz 1510	Since 1529	Alcalde Galicia (1517–27); Oidor Valladolid (1527–30)	Council Indies (1530–†30)	
Juan Sánchez de Menchaca			Alcalde Galicia (1506–?26); Alcalde Valladolid (1526–28)		

Table 5.2. Judges of the Chancery of Valladolid, 1526.

	Education	Tavera Associate	Judicial Posts	Executive Positions	Ecclesiastical Benefices
Juan Ortiz de Zárate	Doctorate Valladolid	Since 1528	Alcalde Valladolid (1526–35)		
Juanes de Avila	Doctorate Salamanca?		Alcalde Granada (1520–26); Alcalde Valladolid (1526–28)		
Cristóbal Alderete	Licentiate Salamanca?	Since 1522	Alcalde Valladolid (1506–31); Oidor Valladolid (1531–38)	Council Castile (1538–†47)	
Ervías	Doctorate Salamanca?		Alcalde Valladolid (1526–35?)		
Argüelles	Doctorate	Since 1527	Alcalde Valladolid (1526–35?)	Procurador of Valladolid (1525)	
Villarreal	Licentiate		Fiscal Valladolid (1526–35?)		
Vallinas	Licentiate		Fiscal Valladolid (1526–35?)		
Contreras de Segovia	Licentiate	Since 1525	Oidor Granada (1516?–1526); Oidor Valladolid (1526–31)		



Map 1. Map of *Corregimientos*.



Map 2. Map of *Audiencias* and *Chancillerías*.

GLOSSARY OF CASTILIAN TERMS

Abogado	advocate; attorney at law.
Acemilero mayor	royal muleteer in charge of pack-horses and mules.
Actas	proceedings established in the Cortes between city representatives and royal authorities.
Adelantamientos	Muslim *taifa* jurisdictions that were conquered by Christian monarchs and distributed into four appellate jurisdictions: (1) *de Castilla* (which included the *adelantado* of Burgos); (2) *de León, Asturias y Galicia*; (3) *de Murcia*, and (4) *de la frontera* (the jurisdictions contested between Aragon and Castile).
Adelantados mayors	royal appellate judges of the *adelantamientos*; by the sixteenth century these offices had become hereditary and elements of royal *merced*.
Alabarderos de pie	halberdiers of the royal guard and royal defense department.
Alcabala	royal sales tax set by the Cortes, regularized at 3.5 percent by the 1523 Cortes. Constituted between eighty to ninety percent of the king's revenue.
Alcaide	military commander of royal fortification.
Alcalde	judge.
Alcalde de casa y corte	judge of the royal household (*casa y corte*), having jurisdiction within five leagues of the itinerant royal court.
Alcalde de crimen	judge serving in an *audiencia* or *chancillería* and who handled cases of criminal justice.
Alcalde hijosdalgo	judge of the *chancillerías* of Valladolid and Granada who handled *hidalguía* litigation and cases regarding *servicio* tax exemption.
Alcalde mayor	seigniorial or royal town appellate judge appointed by the town lord.
Alcaldes mayores	lawyers trained in civil and criminal law who assisted the *corregidor* (e.g., Seville).
Alcaldes mayores de Galicia	threesome of jurists handling appeals in the kingdom of Galicia.
Alcalde ordinario	judge appointed by municipal council.
Alcalde pedáneo annual	judge in *aldea* elected annually by citizens of the municipality.
Alcaldía mayor	jurisdiction of the *alcalde mayor* determined by the boundaries of the municipality.
Aldea	municipality without a functioning municipal council.
Alferecía	disease afflicting infants causing convulsions.
Alfoz	jurisdiction of municipality determined by its territorial boundary.
Alguacil	municipal police officer.
Alguaziles de casa y corte	deputies at arms in the royal court.
Aposentador	surveyor of royal needs related to habitation and residence.
Arrendamiento	tax-farming contract.
Artillero	head gunner in charge of the king's artillery.

Asiento	appointment with salary compensation; business contract.
Asiento de costa y de ración	per diem benefits for royal servants.
Audiencia	royal appellate court above the *corregimiento* and *alcaldía mayor*.
Ayuda de costa	per diem benefits that were allotted triennially.
Ayuntamiento	municipal council and its platform of local citizen participation.
Ballesteros	archers of the royal guard and defense department.
Ballesteros de marca	crossbowmen of the royal guard.
Bastarda con lanzas (*a la estradiota*)	royal armored horsemen of the defense department.
Bordados dorados sedas	silk luxury items.
Buenas letras	qualification of a royal judge based on education and experience.
Cacique	Mesoamerican whose lordship over municipal jurisdictions predated the conquest of Mexico.
Caballero	knight and vassal of the monarch.
Caballeriza	royal stables.
Caballerizo mayor	master of the horse who supervised royal transportation needs, vehicles, packing cases, horses, and supply of fodder.
Cabildo	municipal voting bloc within the municipal council; each bloc distinguished by memberships in local guilds, local associations, and/or neighborhoods.
Cabildo eclesiástico	canons of the cathedral.
Cámara de Castilla	sub-division of the *consejo de Castilla* that managed the king's distribution of extra-legal services related to *merced* and privileges from titles of nobility to tax exemptions.
Camarera mayor	grand chamberlain of the royal court.
Camareras	chamberlains of the royal court.
Camarero	royal court servant and steward.
Capellán	chaplain.
Capellán mayor	grand chaplain.
Capilla	chapel.
Capitán de la guarda española	captain of the royal bodyguard of the royal defense department.
Capítulos	petitions formulated by the *procuradores* of the Cortes.
Carta puebla	charter or local constitution negotiated between the municipal council and the king.
Casa de contratación	House of Trade; accounting firm in Seville that handled transatlantic trade and commerce.
Casa y corte	itinerant royal household and court.
Catedrático	university professor having achieved the highest academic promotion.
Cavallerizo mayor	grand master of the royal stable.
Cazador mayor	grand master of falconry.
Cédula	royal order or confirmation.
Censo	municipal-based annuity usually based on *alcabala* revenue.
Chancillería	regional royal appellate courts; the court in Valladolid held jurisdiction north of the Tajo River; the court in Granada held jurisdiction south of the Tajo.

Cirujano	surgeon.
Ciudad	city; Muslim *taifa* or city-state conquered by the Spanish; city held lordship over subject villages and towns; jurisdiction subject to the royal policy of *reducción*.
Colegio mayor	residence hall in any of the Castilian universities, especially of Salamanca and Valladolid.
Comendador	lord of a jurisdiction of Castilian military orders; a lord of a Native American jurisdiction.
Compadres	royal godfathers.
Comunidades	alliance of cities and towns that fought in the *comunero* civil wars, 1520–1521.
Comunero	defender of the 1521 Cortes commonwealth and the constitutional platform of the Castilian republic of autonomous cities and towns.
Concejo	municipal council that elected *procuradores* to the Cortes (usually one of the two representatives elected was a nobleman), governed the municipality, and supervised taxation of its municipality and its dependent villages.
Concejo abierto	open municipal council that permitted every male citizen of the municipality to vote.
Concordia	popular perception of the royal application of equity.
Confeso (also *converso*)	converts; Jews who became Christian through baptism in order to be legal residents in Spain.
Consejo	royal council.
Consejo de Aragón	highest royal appellate court in the crown of Aragon.
Consejo de cámara	*cámera de Castilla* before the *comunero* revolt.
Consejo de Castilla	highest royal appellate court in the crown of Castile.
Consejo de la cruzada	executive council that managed the collection of the crusade revenue.
Consejo de estado	executive council that dealt with foreign affairs and Habsburg dynastic matters.
Consejo de estado y guerra	sub-committee of the *consejo de estado* that specialized in military operations and executed defense policies.
Consejo de hacienda	royal finance department supervising all royal expenditures and revenues, consisting in the *consejo de la cruzada*, the *contaduría mayor de cuentas* and the *contaduría mayor de hacienda y rentas*.
Consejo de las Indias	highest appellate court for municipalities in Spanish America and the management council that supervised royal judges in New Spain.
Consejo de la inquisición	executive body that supervised the Castilian and Aragonese network of inquisitorial tribunals.
Consejo de la orden de Santiago	appellate court of the jurisdictions of the military order of Santiago.
Consejo de las órdenes de Calatrava y Alcántara	appellate court of the jurisdictions of the military orders of Calatrava and Alcántara.
Consejo de la mesta	guild of livestock owners and executive board supervising the Castilian wool industry.
Consejo secreto	privy board of Charles' Burgundian, Flemish and Spanish advisors that was formed before the *comunero* revolt.
Conservación	strategies for the survival of the royal patrimony.
Consulta	meeting between monarch and royal councilors.

Contador de hacienda	royal comptroller of the *casa y corte*.
Contador mayor de despensa y raciones	royal paymaster.
Contaduría mayor de cuentas	financial instrument supervising expenditures.
Contaduría mayor de hacienda y rentas	accounting staff assessing royal revenues.
Contino	domestic servant and chamber deputy of the royal court.
Continos hombres de armas	noble staff defending the royal court.
Converso	Christian convert and descendant of a Jewish family
Cordonero	rope maker.
Correo	royal postal service.
Corregidor	city or town appellate judge, having jurisdiction within the municipal jurisdiction, appointed by the king to serve a two-year term and audited after the term limit.
Corregimiento	jurisdiction of the *corregidor*.
The Cortes	Castilian parliament whose membership included two representatives from eighteen Castilian towns and cities. This representative institution formulated policies and determined the *alcabala* and the *servicios*, which constituted around 90% of royal revenue.
Criado	servant of the regnant monarchy.
Criollo	Spanish-speaking subject of the crown residing in New Spain.
Cristianos viejos	Castilians who were Christian prior to the conversion of Hispano Jews in the late-fourteenth and fifteenth century.
Damas	married ladies in waiting in the royal court.
Despensero mayor	royal purveyor of wine and food for the court.
Despoblado	village without a municipal council.
Destos reinos	association of municipalities subject to the monarch of the crown of Castile; legal discourse distinguishing subjects of a monarchical and parliamentary system.
Diputación	parliamentary panel; committee of representatives of the Cortes.
Diputados	representatives to the Aragonese Cortes.
Dismembrar	sale of municipal jurisdiction.
Doncellas	unmarried maids of honor serving the royal court.
Ducado	ducat, money of account worth 375 *maravedís*.
Encabezamiento	method of tax collection used by the cities. The cities mortgaged their assets as security and in turn they collected sales taxes (*alcabala*) fixed at 3.5 percent. The city council encumbered municipal assets as collateral for the taxes negotiated between city representatives and the monarch; the city council would then administer the collection of the sales tax in the market and pay the king's creditors at the quarterly fairs.
Encomienda	jurisdiction of a network of municipalities under the authority of a military order.
Encomendero (or *comendador*)	lord of a Spanish American jurisdiction consisting of towns. *Comendadores* of the *encomiendas* were not

	royal functionaries and were not held accountable to the management standards enforced upon *corregidores* and *alcaldes mayors*.
Empadronamiento	patronage and the appointment of unqualified candidates to judicial and executive posts; nepotism.
Escribano	municipal or royal clerk.
Escuderos de pie	servants who run errands for the royal court and its transportation needs.
Escuierie et armurie	Charles' Burgundian stables.
Estado	patrimony and jurisdiction of a lord, whether municipal, seignorial, royal, or ecclesiastical.
Fanega	unit of land area and dry capacity negotiated between municipalities, the Cortes, and tax farmers to assess taxes.
Felipistas	Spanish faction that supported Philip I and the Habsburg dynasty.
Fernandistas	Spanish faction that supported King Fernando of Aragon and that wanted Ferdinand of Habsburg to be the king of Spain.
Físico	physician trained in the science of medicine.
Flamencos	Burgundian and Flemish court that arrived to Spain in 1517.
Frenero	bridle maker.
Fuero	law code, municipal charter, or local town and city constitution.
Fuerza e vigor	supremacy of constitutional laws established by the Cortes.
Gente de Castilla	Castilian servants of the monarchy.
Gentiles hombres	Spanish nobles who earned a stipend and provided security services.
Gineta	royal light horsemen of the defense department.
Ginetes	royal mounted troops of the defense department.
Gobernador	royal appointment to a royal jurisdiction; regent of the crown of Castile who held the highest judicial authority in the absence of the king; appellate judge in the military orders in Castile; appellate judge in royal jurisdictions in New Spain.
Los grados	judges of the appellate court in Seville.
Grandeza	privileged membership of the royal dynasty, granted to nobles after proving their service and loyalty.
Grande	noble member of Charles' dynastic network of *primos*, normally acquiring or having been confirmed a title designating a seigniorial estate consisting of municipalities; *grande*s included dukes (*duques*), marquises (*marqueses*), and counts (*condes*). The bench on which the nobles sat was called *grande*, usually placed in front of the king's seat.
Greuges	grievances of the Catalan Corts.
Guantero	glover.
Guarda española	military members of the royal defense department.
Habilidad	qualifications for appellate judges based on judicial competency and education credentials such as a law degree from the universities of Valladolid or Salamanca.
Hidalgo	citizen of a royal city or town with a royal privilege consisting of an exemption from the subsidies (*servicios*) that the Cortes voted on and requested by the king.
Hidalguía	royal confirmation of *servicio* exemption.
Hombres de armas	royal soldiers of the defense department.
Hombres de cámara	royal guards of the *casa y corte*.
Infantes	royal foot soldiers who earned salaries and per diem benefits.
Intereses particulares	clans, families and/or factions that prioritize their group interest over the municipal common good.

Juez	judge.
Juez de apelación	royal judge with the highest authority and serving an ad hoc commission.
Juez de residencia	auditor of any royal appellate judge, from viceroy to *corregidor*; duration was between nine months to a one year.
Junta	mobilization of the *comunero* movement to overthrow the Habsburg dynasty and its royalist regency.
Jurado	local representative of a parish district in a city or town who participated in council sessions. Depending upon local custom, a *jurado* was elected by his respective parish, chosen by sortition, or followed a rotation.
Juro	bond based on royal taxes, in particular the *alcabala*.
Justicia	justice.
Justicias	judges appointed by the lord of the town to handle cases involving different legal systems (e.g., Jewish and Muslim).
Legua	walking distance covered in an hour.
Letrado	jurist with an advanced degree in law; the Cortes established the standard that *letrados* should have completed at least ten years of university education.
Letrado clérigo	ecclesiastic and jurist with an advanced degree in law.
Libre	Spanish subjects in New Spain granted rights and freedom from enslavement.
Libros de Aragón	revenues drawn from Aragonese sources that were used to finance salaries of Aragonese royal servants.
Licenciado	university graduate with an advanced degree.
Limosnero	royal almoner.
Lugar	unincorporated municipality without a functional council.
Maceguales	Indian subjects of Native American lords.
Maestresalas	masters of the royal household downstairs, kitchen and table service.
Maestro de jaezes	head harness and bard maker.
Maestro de tiendas	quartermaster of the royal court.
Maestro mayores de posta	post master.
Maravedí	smallest monetary unit account.
Martiniegas	taxes assessed on St. Martin's day, traditionally assessed on land previously not cultivated by subjects of the towns of the royal demense.
Mayorazgo	entailed estate consisting of one or more municipalities; hereditary and indivisible, unless abrogated by the king's application of absolute power.
Mayordomo	treasurer.
Mayordomo mayor	lord high steward of the royal court.
Médico	physician.
Médico de la cámara	royal physician attending the monarch.
Médicos de familia	doctors and surgeons attending the royal family.
Medios frutos	assessment of ecclesiastical revenue used to tax the cathedral chapters and monasteries. Synonymous with the *quarta*.
Menestril	woodwind player.
Merced	extralegal device used by monarchs to reward loyal subjects (*servidores*) with incomes, tax benefits, inheritance privileges, or legal exemptions.
Mercedes enriqueñas	established by the founder of the Trastámara dynasty, Enrique II (r. 1369–1379), in order to garner loyalty among nobles and municipalities, granting them jurisdictions and/or incomes.

	Many of the jurisdictions were perpetual trusts; the king was the trustee with the self-appointed power to establish lordships.
Merecimiento	criteria of merit applied by the executive for royal appointments.
Merinos mayores	judicial officers who assisted the *adelantados mayores* in 'frontiers' contested between rival Christian monarchs as well as Muslim *taifas; merinos* executed justice and did not function as judges.
Mérito	qualifications for royal service.
Mero imperio	royal power.
Mesa maestral	revenue of a military mastership based on harvest yields from municipalities under the jurisdiction of a military order.
Mestizo	offspring of a Spaniard and an Indian in New Spain.
Montero mayor	hunt master.
Monteros	males of Castilian families and clans groomed to serve as royal guards.
Monteros de la guarda	regiment of the royal bodyguard.
Moradores españoles	Spanish-speaking vassals and subjects of the crowns of Castile and Aragon residing in municipalities in New Spain.
Moriscos	baptized Hispano Muslims.
Mozo	servant.
Mozo de capilla	acolyte of the royal chapel.
Mozos de espuelas	servants of the royal stables.
Mujeres de cámara	ladies in waiting of the royal household.
Nación	municipalities organized around a parliamentary tradition and a dynasty consisting of royal bloodlines.
Nómina	personnel appointment list.
Notario	royal or local authority who confirms a legal document.
Oficiales de casa	royal court supervisors of the production and maintenance of weaponry, equipment, and tackle.
Oidor	civil case judge in a royal appellate court.
Ordenanzas	statutes and procedures established by lawmakers for appellate courts.
Paje	page; royal servant.
Parientes	secondary cousins and noble members of the royal dynasty; membership entailed extra-legal privileges and mandatory royal service.
Patronato eclesiástico	ecclesiastical offices and/or incomes granted to clerics.
Pecho	tax assessed on a citizen of a municipality.
Pechero	taxpayer.
Peloteros	ordnance specialists.
Perjuicios	grievances caused by the royal administration and due to government mismanagement or incompetency.
Personas poderosas	financial elites using their power to advance their personal and family interest over that of the common good.
Pesquisas	preliminary investigations preceding the audit of a royal appellate judge.
Platero	silversmith of the royal court.
Pleito	law suit.
Pleitos ordinarios	legal cases of first instance in the appellate courts, especially the *audiencias*.
Pobres	citizens of municipalities who are unable to afford the completion of a law suit.
Portero	royal doorman of the royal household.

Porteros de cadena — royal gatekeepers of a residence where the royal household resides.

Porteros de cámara — royal guardsmen of the royal upstairs household.

Posadas — lodges or temporary places of residence of the itinerant royal court.

Primos — grandees of Castile and the highest relatives of the royal and dynastic hierarchy.

Procurador — citizen representing his city or town in the Cortes; also a legal representative in a royal appellate court or in a lawsuit.

Procurador fiscal — royal prosecutor.

Procurador mayor — non-voting member of the city council of Burgos and representative of citizens of Burgos for a one-year term.

Propios — municipal assets; local revenues earmarked for salaries of judicial officials appointed by the royal executive.

Pueblo — municipality with a functioning municipal council.

Pueblo encomendado — municipal jurisdiction under the supervision and authority of a non-hereditary lord who included both Native Americans and Spanish subjects.

Quarta — see *medios frutos*.

Quartanas — malarial paroxysms.

Quitación — royal salary, usually distributed triennially.

Realengo — municipal jurisdictions of the monarchy's patrimony.

Reconquista — the historical thesis that the Spanish advanced a policy of religious unification.

Reducción — the alienation of jurisdictions claimed by municipalities, especially the cities of the Cortes.

Regidor — municipal magistrate and voting member of a municipal council.

Relación — synopsis.

Repartimiento — tax assessment.

Repostero de armas — royal keeper of arms.

Repostero de mesa — supervisor of royal meals.

Repostero de la plata — keeper of the royal silver.

Reposteros — royal servants of food preparation and service.

República — commonwealth; municipality.

Residencia — audit that required the auditor to serve as the interim judge for a minimum of nine months in which time he investigated the outgoing judge.

Reyes de armas — royal bodyguards.

Sala — tribunal in a judicial court.

Sala de alcaldes de casa y corte — tribunal residing with the royal household and court and having jurisdiction within five leagues of the court's location.

Santa junta — city and town federation representing the Castilian commonwealth and republic during the *comunero* civil wars.

Señor — lord.

Señor de vasallos — lord of a municipality.

Señorío — lordship.

Servicio — subsidy negotiated between the Cortes and the monarchy constituting about twelve percent of royal income.

Servidor — royal vassal; employee of the crown earning a salary and per diem benefits.

Sillero — upholsterer and carpenter.

Sin regimiento	Spanish assessment of Native American communities that lacked a functional municipal council.
Solariego	seignorial municipal jurisdiction.
Taifa	Muslim kingdom or principality created after the breakdown of the Caliphate of Córdoba in 1031.
Teniente	lieutenant of the royal army of the defense department.
Teniente del mayordomo mayor	royal assistant of the lord high steward.
Tercias	tithes.
Tercia real	royal share of the tithe, equal to two-ninths of the tithe.
Término	municipal jurisdictional boundary.
Tundidor	hair groomer.
Turador de oro, *dorador*	goldsmith.
Vasallo	subject of a lord and citizen of a town or village.
Vasallo del rey	subject of the king.
Vecino	citizen of a municipality and enjoying a range of privileges and rights inscribed in the *fuero*.
Vecinos naturales	Castilians and Indian citizens of a municipality with a council in New Spain.
Veedor	municipal official supervising the appellate judge in the *audiencias*.
Veedor de hacienda de la casa	royal clerk of accounts receivable.
Veinticuatro	life-long judicial tenure and one of the twenty-four city magistrates of many of the *regimientos* in the former Taifa city-states in Andalusia.
Villa	autonomous town with a functioning council and under the jurisdiction of the king or one of the king's vassals.
Visita, *visitación*	on-site audit of a royal official.
Visita secreta	undisclosed audit of a judicial office, usually in response to complaints that the Council of Castile received from individuals or municipal councils.
Visitadores de indios	royal auditors of jurisdictions in New Spain.
Voz y voto	municipalities with voting and representative privileges in the Cortes.
Yantares	taxes based on the amount of food that subjects traditionally would provide their lord for sustenance; a portion of royal revenue from *realengo* towns.

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Archives and Libraries

ACHV	Archivo de la Real Chancillería de Valladolid
AGI	Archivo General de Indias, Seville
AGS	Archivo General de Simancas
AHN	Archivo Histórico Nacional, Madrid
AHT	Archivo Hospital Tavera, Toledo
BN	Biblioteca Nacional, Madrid
IVDJ	Instituto Valencia de Don Juan, Madrid
RAH	Real Academia de la Historia, Madrid

Published Collections of Documents and Articles

AHDE	*Anuario de Historia del Derecho Español*
AHE	Archivo Histórico Español
BAC	Biblioteca de Autores Cristianos
BAE	Biblioteca de Autores Españoles
BRAH	Boletín de la Real Academia de la Historia
CDCV	*Corpus documental de Carlos V*. Edited by Manuel Fernández Álvarez. 5 vols. Salamanca: Ediciones Universidad, 1973–1981.
CLC	*Cortes de los antiguos reinos de León y Castilla*. 5 vols. Madrid: RAH, 1861–1903.
CODOIN	*Colección de documentos inéditos para la historia de España*. 113 vols. Nendeln: Kraus Reprint, 1964–1975; 1842–1895.
CDI	*Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de América y Oceanía*. 42 vols. Serie 1. Kraus Reprint, 1964. Madrid: Imprenta de Manuel G. Hernández, Manuel de Quirós, 1864–1884.
CDI, ultramar	*Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de ultramar*. 25 vols. Serie 2. Madrid: Sucesores de Rivadeneyra, 1864–1884.
CSIC	Consejo Superior de Investigaciones Científicas.
CSP, Spain	*Calender of letters, dispatches, and state papers relating to the negotiations between England and Spain, preserved in the archives of Simancas and elsewhere*. Edited by G.A. Bergenroth et al. 13 vols. Nendeln: Krauss Reprint, 1969–1978; 1877.
DHEE	*Diccionario de historia eclesiástica de España*. Edited by Quintín Aldea Vaquero et al. 5 vols. Madrid: CSIC, 1972–1987.
MHE	Memorial Histórico Español.
TIE	*Tratados internationales de España: periodo de la preponderancia española*. Edited by Antonio Truyol y Serra et al. 6 vols. to date. Madrid: CSIC, 1978–.

Archival Identifying Information

cap. capítulo
fol. folio
sf. sin folio
leg. lejago
lib. libro
mrs. maravedís
tit. título
SM Su Magestad
VM Vuestra Magestad

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